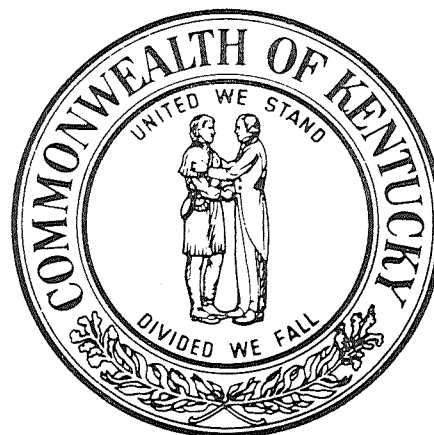


Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 11, NUMBER 7
SATURDAY, JANUARY 1, 1985



IN THIS ISSUE

Public Hearing.....	1017
Emergency Regulations Now In Effect:	
Finance.....	1017
Agriculture.....	1018
Human Resources.....	1019
Amended Regulations Now In Effect:	
Military Affairs.....	1022
Education.....	1023
Amended After Hearing:	
Natural Resources.....	1028
Public Service Commission.....	1048
Proposed Amendments:	
Higher Education Assistance Authority.....	1056
Higher Education Student Loan Corporation.....	1061
Medical Licensure.....	1063
Fish and Wildlife Resources.....	1065
Natural Resources.....	1066
Transportation.....	1074
Education.....	1076
Insurance.....	1079
Human Resources.....	1080
Proposed Regulations Received Through November 15:	
Finance.....	1095
Medical Licensure.....	1097
Transportation.....	1097
Education.....	1105
Insurance.....	1111
Minutes of the Administrative Regulation Review Subcommittee.....	1112

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	G2
KRS Index.....	G11
Subject Index.....	G18

UNLESS WRITTEN NOTIFICATION OF INTENT TO ATTEND
A PUBLIC HEARING IS RECEIVED BY THE PROMULGATING
AGENCY AT LEAST FIVE (5) DAYS BEFORE THE HEARING
DATE, THE HEARING MAY BE CANCELLED.

MEETING NOTICE: The next meeting of the Administrative Regulation
Review Subcommittee is January 7, 1985. For information, call
502-564-8100, ext. 535.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly advance sheets service for the 1984 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806	KAR	50 : 155
Cabinet, Department, Board or Agency	Bureau, Division, or Major Function	Specific Area of Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 1984 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$36 per volume of 12 issues, beginning in July and ending with the June issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Joe Prather
Senate President Pro Tem

Representative Bobby Richardson
Speaker of the House

Senate Members

House Members

Delbert Murphy
Assistant President Pro Tem

Donald J. Blandford
Speaker Pro Tem

Clyde Middleton
Minority Caucus Chairman

William (Bill) Donnermeyer
Majority Caucus Chairman

Joe Wright
Majority Floor Leader

Jim LeMaster
Majority Floor Leader

Helen Garrett
Majority Whip

Edward L. Holloway
Minority Caucus Chairman

Gene Huff
Minority Floor Leader

Richard A. Turner
Minority Floor Leader

Doug Moseley
Minority Whip

James Dunn
Majority Whip

David K. Karem
Majority Caucus Chairman

Willard (Woody) Allen
Minority Whip

Vic Hellard, Jr. Director

Samuel L. Hensley, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Staff

Representative William Brinkley, Chairman
Senator William L. Quinlan
Senator Joe Lane Travis
Senator Pat McCuiston
Representative Albert Robinson
Representative James E. Bruce
Representative Gregory D. Stumbo

Susan C. Wunderlich, Regulations Compiler
June Q. Mabry
Carla Arnold
Donna Valencia
Shirley Hart
O. Joseph Hood
Gregory Karambellas

PUBLIC HEARINGS

The administrative body shall schedule a public hearing on proposed administrative regulations, proposed amendments to administrative regulations, and proposed repeal of administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication of the administrative regulation. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

This information shall be published in the "Administrative Register" at the same time as the initial publication of the administrative regulation. Any person interested in attending the hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler immediately by telephone of the cancellation with a follow-up letter and the Compiler will note upon the face of the original administrative regulation that the hearing was cancelled.

No transcript of the hearing need be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

If an administrative body has several proposed administrative regulations published at the same time, the proposed administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings.

EMERGENCY REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.)

STATEMENT OF EMERGENCY

WHEREAS, Senate Bill No. 20, enacted by the 1984 General Assembly, imposed on each person convicted of driving under the influence of alcohol or other substance impairing one's driving ability, a service fee of \$150 to be used for enforcement of the driving under the influence laws, education and treatment programs, recordkeeping and the support of jails, and said fee has been collected and deposited in the State Treasury as provided by law, and

WHEREAS, Senate Bill No. 20 does not specifically provide for the division of the fee for the purposes for which it has been imposed, but allocation of said fee for the purposes specified in the Act is necessary to its proper implementation; and

WHEREAS, this regulation provides for allocation of said fee among agencies of the State Government which have responsibility for various facets of the programs intended by the Act to be funded out of the service fee;

NOW THEREFORE, in order to implement and carry out the programmatic purposes of Senate Bill No. 20 of the 1984 General Assembly and to provide necessary funding for the various programs mandated by said Act at the earliest practicable date, and without further delay, an emergency is found to exist with respect to the filing of this regulation and pursuant to KRS 13A.190 it

shall be effective immediately upon being filed with the Legislative Research Commission.

MARTHA LAYNE COLLINS, Governor
GORDON C. DUKE, Secretary

FINANCE AND ADMINISTRATION CABINET
Department for Administration

200 KAR 8:030E. Allocation of driving under the influence service fees.

RELATES TO: KRS Chapters 44 and 189

PURSUANT TO: KRS 13A.350

EFFECTIVE: December 14, 1984

NECESSITY AND FUNCTION: In addition to all other penalties authorized by law, KRS 189A.050 imposes a \$150 service fee upon persons convicted of driving under the influence of alcohol or other substance impairing one's driving ability. This fee is to be used to fund enforcement, education and treatment programs provided for under the driving under the influence laws, for recordkeeping, and for the support of jails, as authorized by Senate Bill 20, Chapter 165 of the Acts of the 1984 General Assembly. This regulation provides for the allocation of the fee for the purposes specified in the act.

Section 1. Circuit clerks shall report to the Finance and Administration Cabinet and pay into

the state treasury the fee imposed by KRS 189A.050 upon persons convicted of driving under the influence of alcohol or other substance impairing driving ability at the time other fees, fines, and forfeitures adjudged in the courts of their counties, are reported and paid into the treasury, as provided in KRS 30A.190.

Section 2. Circuit clerks shall remit \$100 of the service fee to the Finance and Administration Cabinet for each person convicted of a first offense of driving under the influence. The offender shall be advised that the remaining fifty (50) dollar service fee will be probated contingent upon utilization by the offender of such sum to pay for approved education and/or treatment services provided for first offenders. Any charges for such services in excess of the fifty (50) dollars shall be paid by the offender. The fifty (50) dollars shall be collected from the offender and paid into the state treasury if the offender declines to participate in an education and/or treatment program.

Section 3. Circuit clerks shall remit the full amount of the service fee to the Finance and Administration Cabinet for second and subsequent offenders. The offender shall be responsible for all treatment costs.

Section 4. The fees shall be allotted quarterly, on a percentage basis, to the agencies, and for the purposes, hereinafter indicated:

(1) Transportation Cabinet - Four (4) percent for furnishing copies of driver history records to courts for use in driving under the influence cases.

(2) Cabinet for Human Resources - Forty-five (45) percent for costs of treatment programs for indigent offenders.

(3) Justice Cabinet - Twenty-six (26) percent for enforcement activities under the provisions of KRS 189.010.

(4) Finance and Administration Cabinet - Twenty-five (25) percent for distribution to counties in which drunk driving convictions are adjudged to assist in expense of maintaining jails, and which shall be in addition to other jail costs allowed by the state.

Section 5. Fees collected and paid into the State Treasury prior to the effective date of this regulation shall be allocated as provided in Section 4 of this regulation.

GORDON C. DUKE, Secretary

APPROVED BY AGENCY: December 14, 1984

FILED WITH LRC: December 14, 1984 at 9 a.m.

STATEMENT OF EMERGENCY

302 KAR 34:020 is a regulation designed to clarify the bonding requirements for grain dealers who are also in the business of storing grain and are warehousemen. It is imperative that this regulation be made effective immediately to help clarify the provision in the law relating to such bonding. It is necessary therefore that the Department promulgate emergency regulations to deal with the bonding

issue. This emergency regulation will be replaced by an ordinary regulation.

DAVID E. BOSWELL, Commissioner
Department of Agriculture
MARTHA LAYNE COLLINS, Governor
Commonwealth of Kentucky

DEPARTMENT OF AGRICULTURE

302 KAR 34:020E. Bonding requirements.

RELATES TO: KRS 251.451, 251.720

PURSUANT TO: KRS 251.700

EFFECTIVE: November 15, 1984

NECESSITY AND FUNCTION: To clarify KRS 251.720 relating to the bonding requirements for a grain dealer who is also in the business of storing grain and is a warehouseman.

Section 1. Any grain dealer who is also in the business of storing grain and is a warehouseman subject to KRS 251.720(10) shall:

(1) First compute his bond in principal amount pursuant to the formula for computing a grain dealer bond as set out in KRS 251.720(3). Such bond shall not be less than \$25,000 nor more than \$100,000 except as otherwise authorized by this regulation. A certificate of deposit payable to the commissioner, as trustee, may be filed with the department in lieu of a surety bond. The principal amount of the certificate of deposit shall be the same as that required for a surety bond under this regulation and the interest thereon shall be made payable to the purchaser thereof.

(2) Next compute his bond by multiplying the total maximum bushel capacity of his warehouse facility by twenty-five (25) cents which shall constitute the first step in considering storage capacity and storage obligations required by KRS 251.720(10). A certificate of deposit payable to the commissioner, as trustee, may be filed with the department in lieu of a surety bond. The principal amount of the certificate of deposit shall be the same as that required for a surety bond under this regulation and the interest thereon shall be made payable to the purchaser thereof.

Section 2. If the dollar amount computed pursuant to Section 1(1) of this regulation is larger than the dollar amount computed pursuant to Section 1(2) then the bond computation figured pursuant to Section 1(1) of this regulation shall be the dollar amount of the bond required pursuant to KRS 251.720(10). If the person whose bond amount is computed pursuant to Section 1(1) of this regulation and required pursuant to this section is of the opinion that his net worth and assets are sufficient to provide payment to producers for grain purchased or stored, that person may request the commissioner to be relieved of a portion of the bond in accordance with the formula for bond reduction set out in KRS 251.720(6). Such request for bond reduction shall include all information that is or may be required pursuant to KRS 251.720(6).

Section 3. If the dollar amount computed pursuant to Section 1(2) of this regulation is larger than the dollar amount computed pursuant to Section 1(1) then the bond computation

figured pursuant to Section 1(2) of this regulation shall be the dollar amount of the bond required pursuant to KRS 251.720(6). Such bond computation shall constitute the second step in considering storage capacity and storage obligations pursuant to KRS 251.720(6) and shall be required if this section is used to compute the bond required by this regulation. If the person whose bond amount is computed pursuant to Section 1(2) of this regulation and required pursuant to this section is of the opinion that his net worth and assets are sufficient to provide payment to producers for grain purchased or stored, that person may request the commissioner to be relieved of a portion of \$100,000 of the bond required by this section, which represents the maximum amount of bond required by a grain dealer without consideration of storage capacity and storage obligations required by KRS 251.720(10). The maximum bond reduction allowed pursuant to this section shall be \$75,000. The formula for such bond reduction shall be in accordance with the bond reduction formula set out in KRS 257.720(3). Any request for bond reduction shall include all information that is or may be required pursuant to KRS 251.720(3).

Section 4. Any bond written or certificate of deposit prepared pursuant to this regulation must be written and executed so as to cover losses to claimants resulting from the failure of a grain warehouseman and/or the failure of a grain dealer as defined in Chapter 251 of the Kentucky Revised Statutes. Such bond must be written so as to cover loss for both stored grain and all other grain which has been sold but for which payment has not been received at the time of the grain dealer and/or grain warehouse failure.

DAVID E. BOSWELL, Commissioner
APPROVED BY AGENCY: November 9, 1984
FILED WITH AGENCY: November 15, 1984 at 1 p.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Tom Dowler

(1) Type and number of entities affected: Approximately 106 licensed grain storage warehouses.

(a) Direct and indirect costs or savings to those affected: Non-applicable

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Will not change.

(2) Effects on the promulgating administrative body: No changes will occur

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Will remain the same

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods available

(5) Identify any statute, administrative

regulation or government policy which may be in conflict, overlapping, or duplication: None apparent

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Tiering did not appear to be applicable in promulgating this regulation

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

MARTHA LAYNE COLLINS, Governor
E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Health Services
Amended After Hearing

902 KAR 17:010E. State health plan.

RELATES TO: KRS Chapters 194 and 216B

PURSUANT TO: KRS 194.050

EFFECTIVE: December 13, 1984

NECESSITY AND FUNCTION: The Health Planning and Resources Development Act, 42 USC 300 M-3 requires participating states to adopt by procedures set out in the United States Code, a state health plan. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for the proper administration of the cabinet and its programs. The Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board utilizes the state health plan in review of applications for certificates of need to establish and modify health services and health facilities in the Commonwealth. The function of this regulation is to assist in the inventory of existing health resources and to set planning goals and guidelines.

Section 1. The Kentucky State Health Plan 1983-1986, was adopted by the State Health Planning Council and approved by Governor Martha Layne Collins [John Y. Brown, Jr.] on November 5, 1984 [August 15, 1983] as the document that sets out planning policies and guidelines for use by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. A copy of the Kentucky State Health Plan is on file in the Office of the Commissioner for Health Services, 275 East Main Street,

Frankfort, Kentucky 40621 and is open and available for public inspection during normal business hours.

Section 2. The following portions of the Kentucky State Health Plan are hereby adopted by reference as regulations of the Cabinet for Human Resources as if fully set out herein:

(1) Acute care policies p. 25-32, with the exception of the following:

(a) Policies relating to excess capacity and utilization, p. 28.

(b) Policies relating to the containment of capital expenditures, p. 30.

(c) Policies relating to regionalization, p. 30.

(2) Long term care policies, p. 32-35.

(3) Planning criteria and review standards, p. 42-62 with the exception of the following:

(a) Acute care review standards numbers 8, 9, 10, and 14, page 43.

(b) Delicensure of excess capacity, p. 47.

(c) Hospital capital expenditure limit, p. 48.

(d) Tertiary and medical service centers designation, p. 49.

(4) Glossary.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: November 14, 1984

FILED WITH LRC: December 13, 1984 at 4 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development

904 KAR 1:270E. Podiatry services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

EFFECTIVE: December 13, 1984

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with requirements of Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the coverage provisions relating to podiatry services for which payment shall be made by the Medical Assistance Program on behalf of both the categorically needy and the medically needy.

Section 1. Coverage. The Medical Assistance (Medicaid) Program will cover medical and/or surgical services provided to eligible Medicaid recipients by licensed, participating podiatrists when such services fall within the scope of the practice of podiatry except as otherwise provided for herein. The scope of coverage generally parallels the coverage available under the Medicare program with the addition of wart removal.

Section 2. Exclusions From Coverage; Exceptions. The following areas of care are not covered except as specified:

(1) Treatment of flatfoot. Services directed toward the care or correction of such a service are not covered.

(2) Treatment of subluxations of the foot. Surgical or nonsurgical treatments undertaken for the sole purpose of correcting a subluxated structure as an isolated entity within the foot are not covered; this exclusion of coverage does not apply to reasonable and necessary diagnosis and treatment of symptomatic conditions such as osteoarthritis, bursitis (including bunion), tendonitis, etc., that result from or are associated with partial displacement of foot structures, or to surgical correction that is an integral part of the treatment of a foot injury or that is undertaken to improve the function of the foot or to alleviate an induced or associated symptomatic condition.

(3) Orthopedic shoes and other supportive devices for the feet are not covered under any circumstances.

(4) Routine foot care. Services characterized as routine foot care are generally not covered; this includes such services as the cutting or removal of corns or calluses, the trimming of nails, and other hygienic and preventive maintenance care in the realm of self-care such as cleaning and soaking the feet, the use of skin creams to maintain skin tone of both ambulatory and bedfast patients, and any services performed in the absence of localized illness, injury or symptoms involving the foot. Notwithstanding the preceding, payment may be made for routine foot care such as cutting or removing corns, calluses or nails when the patient has a systematic disease of sufficient severity that unskilled performance of such procedures would be hazardous; the patient's condition must have been the result of severe circulatory embarrassment or because of areas of desensitization in the legs or feet. Although not intended as a comprehensive list, the following metabolic, neurological, and peripheral vascular diseases (with synonyms in parentheses) most commonly represent the underlying systematic conditions contemplated and which would justify coverage; where the patient's condition is one (1) of those designated by an asterisk (*), routine procedures are reimbursable only if the patient is under the active care of a doctor of medicine or osteopathy for such a condition and this doctor's name must appear on the claim form:

(a) *Diabetes mellitus;

(b) Arteriosclerosis obliterans (A.S.O., arteriosclerosis of the extremities, occlusive peripheral arteriosclerosis);

(c) Buerger's disease (thromboangitis obliterans);

(d) Chronic thrombophlebitis;

- (e) Peripheral neuropathies involving the feet:
1. *Associated with malnutrition and vitamin deficiency, such as: malnutrition (general, pellagra); alcoholism; malabsorption (celiac disease, tropical sprue); and pernicious anemia;
 2. *Associated with carcinoma;
 3. *Associated with diabetes mellitus;
 4. *Associated with drugs and toxins;
 5. *Associated with multiple sclerosis;
 6. *Associated with uremia (chronic renal disease);
 7. Associated with traumatic injury;
 8. Associated with leprosy or neurosyphilis; and
 9. Associated with hereditary disorders, such as: hereditary sensory radicular; neuropathy, angiokeratoma corporis; and diffusum (Fabry's), amyloid neuropathy.

Services ordinarily considered routine are also covered if they are performed as a necessary and integral part of otherwise covered services, such as the diagnosis and treatment of diabetic ulcers, wounds, and infections. Diagnostic and treatment services for foot infections are also covered as they are considered outside the scope of "routine."

Section 3. Provisions Relating to Special Diagnostic Services. Plethysmography is a recognized tool for the preoperative podiatric evaluation of the diabetic patient or one who has intermittent claudication or other signs or symptoms indicative of peripheral vascular disease which would have a bearing on the patient's candidacy for foot surgery. The method of plethysmography determines program coverage.

- (1) Covered methods include:
- (a) Segmental, including regional, differential, recording oscillometer, and pulse volume recorder;
 - (b) Electrical impedance; and
 - (c) Ultrasonic measure of blood flow (Doppler).
- (2) Noncovered methods include:
- (a) Inductance;
 - (b) Capacitance;
 - (c) Strain gauge;
 - (d) Photoelectric; and
 - (e) Mechanical oscillometry.
- (3) Venous occlusive pneumoplethysmography would be appropriate only in the setting of a hospital vascular laboratory.

Section 4. Date of Implementation. Coverage of podiatry services will be effective for services performed on or after November 1, 1984.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: November 14, 1984

FILED WITH LRC: December 13, 1984 at 4:00 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

MARTHA LAYNE COLLINS, Governor

E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development

904 KAR 1:280E. Payments for podiatry services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

EFFECTIVE: December 13, 1984

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining payments for podiatry services.

Section 1. Payments for Podiatry Services. The state agency will pay licensed, participating podiatrists for covered podiatry services rendered to eligible Medical Assistance recipients at the lesser of the actual billed charge or the area prevailing charge for physicians providing the same service under the same conditions.

Section 2. Date of Implementation. Payments shall be made pursuant to this regulation for covered services provided on and after November 1, 1984.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

ADOPTED BY AGENCY: November 14, 1984

FILED WITH LRC: December 13, 1984 at 4 p.m.

AMENDED REGULATIONS NOW IN EFFECT

DEPARTMENT OF MILITARY AFFAIRS
As Amended

106 KAR 1:040. Division of Air Transport and use of state aircraft.

RELATES TO: KRS 35.010, 36.040

PURSUANT TO: KRS 13A.350

EFFECTIVE: December 11, 1984

NECESSITY AND FUNCTION: The Division of Air Transport and Capital City Airport is recognized as established in the Department of Military Affairs by KRS 36.010(8). This regulation establishes policies and procedures relating to the administration of the Division of Air Transport and Capital City Airport, and the use of state-owned aircraft, including aircraft charters.

Section 1. The Adjutant General of Kentucky, as executive head of the Department of Military Affairs, is responsible for overall policy development and supervision of the affairs of the Division of Air Transport and Capital City Airport. The Airport Administrator of the Capital City Airport is responsible, under the supervision of the Adjutant General, for the management and administration of the Division of Air Transport and the Capital City Airport.

Section 2. The function of the Division of Air Transport and Capital City Airport (hereinafter, "the Division of Air Transport") is to manage and operate the Capital City Airport, oversee the maintenance and care of all state-owned aircraft, control the scheduling and operational use of state aircraft (including air charters), and attend to the collection from using agencies and officers the costs of operating state aircraft. The division shall, subject to the approval of the Adjutant General, and in accordance with applicable state and federal rules, establish user fees to be paid by users of the services and facilities of the Capital City Airport. The public user rates are as set forth below:

HANGER CHARGES

Single Engine:

230 horsepower or less.....\$ 50.00 per month
231 horsepower or more.....\$ 75.00 per month

Twin Engine:

6,000 lbs. or less gross
weight.....\$100.00 per month
6,001 lbs to 12,499 lbs.
gross weight.....\$125.00 per month
12,500 lbs. gross weight and above...Negotiated

RAMP CHARGES

Single Engine.....\$ 15.00 per month
Twin Engine.....\$ 25.00 per month
Overnight Charges.....\$ 1.00 each night

Section 3. (1) State aircraft (including aircraft charters) shall be used only for official business. "Official business," for

purposes of this regulation shall be construed as being any activity involving travel in a state aircraft which is reasonably required, expected, or is appropriate, considering the nature of the using public official's job responsibilities[, or which is otherwise in the best interest of the Commonwealth]. Such activities include by way of example but not of limitation, attendance by officials at non-partisan ceremonial functions and events where their appearance is normally expected by virtue of their office or where official representation of the Commonwealth is otherwise appropriate and non-political flights within the Commonwealth by the Governor and members of his/her immediate family when accompanying him/her.

(2) State aircraft shall not be used for personal business; provided, however, that in the case of the Governor and the Lieutenant Governor, reasons of security, protocol, ceremonial functions, and overall demands on their time, require travel considerations not accorded other officials. Therefore, in recognition of these realities, flights which may be solely for personal business, or partly for official business and personal business, may be scheduled for the Governor and the Lieutenant Governor and their immediate families. The cost of flights scheduled solely for personal business of the Governor or Lieutenant Governor shall be charged to such officer in accordance with the rate schedule established by the Division of Air Transport. In cases where a particular flight may be in part official business and personal business, the Governor or the Lieutenant Governor shall make a reasonable allocation of the flight time between his/her official and personal business and shall be responsible for paying to the Division of Air Transport the charge for the part of such flight that is allocable to his/her personal business. In such cases, the allocation made and the basis for the allocation shall be indicated on the aircraft request form.

Section 4. Constitutional officers, other elected state officials, members of the General Assembly, officers and employees of the cabinets, departments, and agencies of the state government, officers and employees of other governmental units, and other persons traveling under the auspices of a state agency or in connection with state business deemed desirable by an agency head, including dependents of state officials, news media representatives, and other persons having an interest in the official purpose of the trip, may be authorized to use state aircraft. Charges for travel in state aircraft shall be paid by the requesting state agency in accordance with the rate schedule established by the Division of Air Transport.

Section 5. All requests for use of state aircraft shall be approved in advance by the appropriate constitutional officer, program cabinet secretary, or by the Secretary of the Cabinet for General Government agencies. Approving officials shall be responsible for

determining that a trip is for official business and that use of state aircraft is the most economical means of transportation and that [whether] the proposed passenger complement conforms to the requirements of Section 4 of this regulation. In determining passenger complement, requesting agencies should weigh the benefit to the agency of the inclusion of additional passengers against the increased costs that might be incurred if a larger aircraft is required to accommodate additional passengers on a trip.

Section 6. (1) All requests for use of state aircraft shall be submitted on a form prescribed by the Division of Air Transport and shall contain at a minimum the following information:

- (a) Cabinet or agency name;
- (b) Department name with appropriate billing account number;
- (c) Purpose of trip;
- (d) Destination, including any planned stopovers and reason for them;
- (e) Names of all passengers on flight; and
- (f) Identification of any percentage of flight for personal business (in cases of the Governor or Lieutenant Governor).

(2) The Division of Air Transport shall arrange for all trips and maintain flight cards, passenger manifests, payment documents, and inter-account bills pertaining to each flight. Pilots for all state aircraft shall maintain a flight manifest for all flights which shall include passengers' names and information pertaining to the points of origin and destination, and any side trips or stopovers, for each flight.

(3) Except as provided in subsection (4) of this section, the Department of Military Affairs shall maintain original records of aircraft requests and manifests for all trips using state aircraft. The aircraft requests and manifests shall be compared and any discrepancies reported monthly to the appropriate cabinet secretary or constitutional officer so that any error may be corrected.

(4) Originals [Copies] of all aircraft requests and manifests will [not] be forwarded to the Division of Air Transport [Finance and Administration Cabinet]. In cases where the Secretary of the Commerce Cabinet has certified in an aircraft request that disclosure of the identities of passengers, or the purpose of a trip, will violate needs for confidentiality required for economic development efforts[. In such cases], the Secretary of the Commerce Cabinet shall maintain a complete record of all such requests in his office. It shall be the responsibility of the [their] offices of the Governor and Lieutenant Governor to maintain the originals of all requests for the use of state aircraft in their respective offices. [by the Governor or the Lieutenant Governor, but] The Department of Military Affairs shall maintain original manifests pertaining to all trips, whether in or out-of-state, by the Governor and Lieutenant Governor when using state aircraft.

BILLY G. WELLMAN, The Adjutant General

APPROVED BY AGENCY: September 18, 1984

FILED WITH LRC: September 19, 1984 at 9:30 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
As Amended

704 KAR 3:005. Educational Improvement Act [Implementation plan].

RELATES TO: KRS 158.650 to 158.740

PURSUANT TO: KRS [13.082.] 156.070, 158.650, 158.670, 158.700 [, 158.730]

EFFECTIVE: December 11, 1984

NECESSITY AND FUNCTION: KRS 158.650 to 158.740, as amended by Senate Bill 202, the Educational Improvement Act [of 1978], mandate a program of assessment, testing, annual performance reports, [and] educational improvement plans and various sanctions to insure the right of public school students to acquire the competencies in the essential [basic knowledge and learning] skills necessary to complete high school, pursue post secondary education, or enter the work force; and to assure such students access to programs and services appropriate to their educational needs in the areas of competencies in the essential skills [basic academic and learning skills development], with the Department of Education to administer the act pursuant to regulations of the State Board of Education and to develop a comprehensive implementation plan. This regulation implements the duties and functions of the Educational Improvement Act of 1978, as amended by Senate Bill 202, by adopting the Department of Education's revised implementation plan.

Section 1. Each local district board of education shall prepare an Annual Performance Report which shall include local district data for the following factors: annual transportation cost per pupil transported; annual current expenses per pupil in average daily attendance; cost per pupil for instruction; cost per pupil for administration; percent of district revenue received from local, state and federal sources; local revenue per child in average daily attendance; assessed property value per child in average daily attendance; results of the state-mandated testing program; results of Scholastic Aptitude Test and American College Board Test; dropout rate; [holding power;] retention rate; percent average daily attendance; number and percent of students going to college or other postsecondary training; number and percent of students enrolled in special education and completing Individual Education Plans; percent of enrollment classified as economically deprived; percent attendance by professional staff; [average number of days professional staff are away from their work station;] student/teacher ratio; teacher/administrator ratio; salary data by rank; the number of teachers teaching out of their field of specialty and the number of classes taught by teachers out of their field of specialty; expenditures for staff in-service; courses exceeding the state Program of Studies requirements; and an executive summary of the Master Educational Improvement Plan Progress Report. This report shall be submitted to the State Board of Education by December 15, 1984 for the 1983-84 school year, and by September 15 of each succeeding school year and shall be

published in the newspaper with the largest circulation in the county by October 1. [Pursuant to the authority vested in the State Board of Education by KRS 158.670, each local district board of education shall submit to the State Department of Education for approval a local plan for educational improvement. The plan shall include the following: process goals, product goals, names of individuals involved in developing the plan, area of weaknesses, a list of priorities, objectives and activities, calendar of events, and progress report for previous year. The plan shall be on forms supplied by the State Department of Education.]

Section 2. Each local district board of education shall identify program and service deficiencies and student achievement [product] deficiencies based upon the Annual Performance Report, the results of the most current review of the factors listed hereinafter and such other state-mandated performance reports as deemed appropriate. Deficiencies shall be determined as follows:

(1) The local school district shall be declared deficient in program and service offerings when one (1) or more of the following accreditation standards are not met. [The district has major instructional deficiencies in program and service offerings as defined by the following accreditation standards and indicators:]

(a) STANDARD - Legal responsibility:

1. Indicator - The local school district is in compliance with current applicable statutes of the Commonwealth of Kentucky and Kentucky administrative regulations and state board policies.

2. Indicator - The local school district is in compliance with current applicable federal laws and regulations.

(b) STANDARD - Curriculum and learning environment:

1. Indicator - Each school provides a minimum of 175 days of instruction.

2. Indicator - Each school provides a minimum of six (6) hours of instructional time per day.

3. Indicator - Each school is in compliance with the requirements in the Program of Studies in Kentucky Schools, K-12, pursuant to 704 KAR 3:304.

4. Indicator - Each school has a written plan for implementing the program of instruction for grades K-12.

5. Indicator - Opportunities are provided for citizens' groups to participate in the following:

a. Curriculum study;

b. Budget planning;

c. Co-operative evaluation; and

d. Accreditation study.

6. Indicator - The school has developed specific plans and procedures assuring accountability to the local board and to the public.

7. Indicator - Quality textbooks with current content and provided in adequate quantities to meet classroom needs.

8. Indicator - The school has sufficient materials and equipment available to implement the curriculum.

(c) STANDARD - School staff and administration:

1. Indicator - All professional personnel hold appropriate certificates for positions and/or assignments. (Each vocational staff member has

the required work experience specific to the program being taught.)

2. Indicator - All teachers are teaching in their major or minor field or specific areas of concentration.

3. Indicator - The local district has established and implemented procedures for evaluating all certified personnel based on the quality of their performance.

(d) STANDARD - Responsible pupil conduct: Indicator - Pupils, parents, teachers, administrators, and school board members are involved in the development of a code of pupil conduct and attendance based on assessed needs which is approved by the local school board; which is in compliance with state and federal law; and which contains a system by which all pupils, parents, and faculty members are informed annually of the pupil code and its provisions.

(e) STANDARD - Financial support and budget: Indicator - The budget provides for adequate funding of all required accrediting standards.

(2) The local district shall be declared deficient in program and service offerings when one (1) or more of the following planning and reporting standards are not met: [Failure by the district to prepare and implement the Master Educational Improvement Plan established jointly by the district and the Kentucky Department of Education and approved by the local board of education and the State Board of Education.]

(a) STANDARD - Master Educational Improvement Plan. Indicator - The local school district shall prepare and implement the Master Educational Improvement Plan established jointly by the district and the Kentucky Department of Education and approved by the local board of education.

(b) STANDARD - Annual Performance Report.

1. Indicator - The local district shall prepare and submit each year as herein required, the Annual Performance Report to the State Board of Education.

2. Indicator - The local district shall publish the Annual Performance Report in the newspaper with the largest circulation in the county by October 1.

(3) The local school district shall be declared deficient in academic achievement when one (1) or more of the following standards of attainment of competencies are not met: STANDARD - Student Academic Performance. [Failure by the district to prepare and submit each year, as herein required, the Annual Performance Report to the State Board of Education. Failure also to publish the Annual Performance Report in the newspaper with the largest circulation in the county by October 1.]

(a) Indicator - Students in grades 3, 5, 7, and 10 shall score at or above the national average of fifty (50) normal curve equivalency on the total battery of the California Test of Basic Skills.

(b) Indicator - Students in grades K-12 shall achieve on the Kentucky Essential Skills Test an academic performance level to be established by the State Board of Education and filed as an amendment to this regulation in the five (5) essential skills areas on the Kentucky Essential Skills Test.

(4) The local school district shall be declared deficient in product goals when one (1) or more of the following school district outcome

standards are not met:

(a) STANDARD - Student Attendance.

1. Indicator - The percentage of attendance shall be calculated by dividing the aggregate days attendance by the aggregate days membership. Local school districts achieving a percent of attendance of more than ninety-three and five-tenths (93.5) but less than ninety-six (96) shall be deemed in a satisfactory range and shall include in the Master Educational Improvement Plan a specific goal focused on improving student attendance. The goal shall include both process and product objectives which establish specific action, time frames, and outcomes that systematically move the district toward achieving ninety-six (96) percent or better student attendance.

Local school districts achieving less than ninety-three and five-tenths (93.5) percent attendance shall be deemed deficient and shall include in the Master Educational Improvement Plan a specific goal focused on improving student attendance. The goal shall include both process and product objectives which establish specific actions, time frames, and outcome that systematically move the district toward achieving ninety-six (96) percent or better student attendance. In addition local school districts achieving less than ninety-three and five-tenths (93.5) percent attendance shall as a minimum achieve the following percentage improvements in attendance each year by range groupings in which they fall for that year:

Below ninety (90) percent - the difference between ninety (90) percent and the district's current percent of attendance;

Over ninety (90) percent but less than ninety-two (92) percent - two (2) percent;

Over ninety-two (92) percent but less than ninety-three and five-tenths percent - one (1) percent.

Any local school district failing to implement the Master Educational Improvement Plan shall be deemed deficient in accordance with subsection (2) of this section.

(b) STANDARD - Student Dropout.

1. Indicator - The dropout rate shall be defined as the annual percentages of students leaving school prior to graduation in grades 7-12 and include withdrawals in attendance accounting codes W6, W7, W10, and W11.

Local school districts with a dropout percentage of more than three and five-tenths (3.5) percent but less than five and five tenths (5.5) percent shall be deemed in a satisfactory range and shall include in the Master Educational Implementation Plan a specific goal focused on reducing the dropout rate. The goal shall include both process and product objectives which establish specific actions, time frames, and outcomes that systematically move the district toward reducing the dropout percentage to three and five-tenths (3.5) percent or less.

Local districts with a dropout percentage greater than five and five-tenths (5.5) [six and five-tenths (6.5)] percent shall be deemed deficient and shall include in the Master Educational Improvement Plan a specific goal focused on reducing the dropout rate. The goal shall include both process and product objectives which establish specific actions, time frames, and outcomes that systematically move the district toward reducing the dropout

percentage to three and five-tenths (3.5) percent or less. In addition, local districts with a dropout percent in excess of five and five-tenths (5.5) percent shall as a minimum achieve the following percentage improvements in reducing dropouts each year by the range groupings in which they fall for that year:

Over eight and five-tenths (8.5) percent - the difference between eight and five-tenths (8.5) percent and the district's current dropout percentage;

Less than eight and five-tenths (8.5) percent but more than seven (7) percent - one (1) percent;

Less than seven (7) percent but more than five and five-tenths (5.5) percent - seventy-five hundredths (.75) percent.

A local school district failing to implement the Master Educational Improvement Plan shall be deemed deficient in accordance with Section 2(2) of this regulation.

[(4) Failure by the district to achieve an academic performance level at which at least eighty-five (85) percent of the students enrolled in each grade K-12 master the essential skills in all five (5) essential skills areas and students in grades 3, 5, 7, and 10 score at or above the national average of fifty (50) NCE on the total battery of the basic skills test.]

[(5) Failure by the district to achieve a dropout rate lower than four and six-tenths (4.6) percent. The dropout rate shall be defined as the annual percent of students leaving school prior to graduation in grades 7-12 and includes withdrawals in attendance accounting codes W6, W7, W10, and W11.]

[(6) Failure by the district to achieve a holding power rate better than seventy (70) percent. The holding power shall be defined as the percent of 9th graders completing the 12th grade four (4) years later.]

[(7) Failure by the district to achieve a percent of attendance better than ninety-four (94). The percent of attendance shall be calculated by dividing the aggregate days attendance by aggregate days membership.]

[(8) Failure by the district to maintain a balanced budget or failure to meet program and service needs when the accumulated general fund balance is in excess of eight (8) percent of total general fund money.]

Section 3. (1) To correct deficiencies as defined [not appropriately addressed as required] by this regulation and meet other statutory requirements [related statutes in its current separate component documents], each local board of education shall prepare and submit to the State Board of Education for approval, by October 15, 1985, a Master Educational Improvement Plan. The Master Educational Improvement Plan shall include as separate components the following: Part I, a plan for addressing accreditation deficiencies; Part II, a plan for addressing deficiencies in academic performance on state mandated tests; Part III, a plan for addressing the district personnel in-service needs (to be submitted by May 1 annually); Part IV, a plan for addressing the deficiencies identified as a result of the district's financial analysis; and Part V, such other components as necessary to correct deficiencies identified in other program and performance areas. The Master Educational

Improvement Plan shall include specific timelines for correcting each deficiency and shall designate the individuals responsible for correcting each deficiency. The Master Educational Improvement Plan shall be established jointly by the district and the Kentucky Department of Education and shall be approved by the local board of education and the State Board of Education.

(2) Upon the initial filing and approval of a Master Educational Improvement Plan, the contents thereof shall supersede the separate component reports then on file.

Section 4. (1) Each district shall report to the Kentucky Department of Education by September [October] 15 of each school year, its progress in correcting the deficiencies addressed in its Master Educational Improvement Plan. The Kentucky Department of Education shall identify those districts failing to make satisfactory progress in correcting deficiencies. The progress reports of the identified districts and such other reports as may be requested shall be reviewed by the Educational Improvement Advisory Committee which shall recommend to the Superintendent of Public Instruction for State Board action, those districts which are "educationally deficient" and which should be provided with technical assistance by the Kentucky Department of Education. Satisfactory progress shall be defined relative to "educationally deficient," as the district's compliance with and adherence to the timelines established in the approved Master Educational Improvement Plan which shall be submitted on an annual basis until the district is cleared of deficiencies.

(2) Where timelines established in a Master Educational Improvement Plan require remedial action by a district prior to the submission of a following year's progress report, the Superintendent of Public Instruction shall monitor such compliance and may recommend declarations of educational deficiency to the State Board of Education, where compliance is not accomplished, without recommendation or consideration by the Educational Improvement Advisory Committee.

Section 5. Local school districts failing to meet or make satisfactory progress toward correcting deficiencies in [meeting minimum] program and service standards and product standards, after having received technical assistance from the Kentucky Department of Education, shall be subject to direct management intervention by the State Board of Education, as defined by KRS 158.584(4). Satisfactory progress shall be defined as the district's compliance with and adherence to the timelines established in the approved Master Educational Improvement Plan.

Section 6. Subsequent to direct management intervention by the State Board of Education, if the local district still does not meet established timelines for correcting deficiencies, removal from office of a member or members of the local board or the superintendent or other school district personnel, pursuant to KRS 156.132 to 156.136, may be pursued by the state board.

Section 7. A district that has been declared an educationally deficient district by the state board shall be notified of such declaration in writing. At such time as an educationally deficient district shall be cleared by the Kentucky Department of Education of all deficiencies contributing to the declaration of educational deficiency, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall notify such a district in writing.

ALICE McDONALD

Superintendent of Public Instruction

APPROVED BY AGENCY: September 11, 1984

FILED WITH LRC: November 8, 1984 at noon.

**EDUCATION AND HUMANITIES CABINET
Department of Education
As Amended**

705 KAR 2:030. Foundation program units.

RELATES TO: KRS 156.070, 157.360, 163.020, 163.030

PURSUANT TO: KRS 13.082, 156.035, 156.070, 163.030

EFFECTIVE: December 11, 1984

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board of Education the management and control of the common schools; KRS 157.360 requires the Superintendent of Public Instruction to allot to school districts, as a part of the Foundation Program, classroom units for vocational education for classes meeting State Board regulations; and KRS 163.020 and 163.030 mandate that the state provide for and administer a vocational education program. This regulation establishes methods and procedures to cover the allocation of vocational education units under the Foundation Program.

Section 1. Local school districts shall request vocational education units May 15. The request shall be made only for programs which have been included in the required local plan for vocational education. Request for new units shall be based on plans submitted by the local school district which are developed in conjunction with the regional vocational staff and the Program Services [Development] Division, Office [Bureau] of Vocational Education.

Section 2. Vocational units shall be allocated to local school districts to provide vocational education programs for the secondary school students in that district. A calculation shall be made to determine the relative number of units per district as compared to their proportionate share of the total statewide secondary, grades 9[7]-12, enrollment. Districts having less than their calculated number of units shall receive priority in the allocation of new units. Only that portion of a teacher's time devoted to vocational education shall be used for calculating vocational units. Vocational units shall be allocated only for those programs that have:

(1) Certified teachers who satisfy the requirements of the Kentucky State Plan for Vocational Education and meet the requirements of the Kentucky Program of Studies.

(2) Facilities and equipment which meet

established minimum requirements.

(3) A curriculum which serves at least one (1) of the objectives of vocational education. Failure to meet any one (1) of these criteria shall be cause to withhold the vocational unit.

Section 3. The following activities shall be approvable for vocational units:

(1) A planning period for up to one-tenth (0.1) vocational unit for teachers with two (2) vocational periods and up to two-tenths (0.2) vocational unit for teachers with three (3) or more vocational periods.

(2) One (1) class period for supervision of cooperative vocational education or work experience programs when there is a minimum of ten (10) and a maximum of fifteen (15) participating students with training agreements on file; two (2) class periods for this purpose when the number of students enrolled is a minimum of sixteen (16) and a maximum of twenty-seven (27). When only one (1) supervision period is provided, the supervision and planning periods shall be scheduled consecutively during the time students are on the job.

(3) One (1) class period for one (1) teacher in each vocational program area to work with activities of integrated and approved vocational student organizations.

(4) One (1) class period for one (1) designated teacher to serve as a vocational department head in a high school with five (5) or more full-time equivalent vocational teachers.

(5) One (1) class period for each agriculture teacher for supervision of occupational work experience programs for a minimum of thirty (30) and a maximum of fifty (50) students; two (2) periods for a teacher with more than fifty (50) students when at least twenty (20) students are juniors or seniors.

(6) Class period(s) for supervision of cooperative work experience and agriculture programs supervision require a prerequisite of at least three (3) vocational teaching periods for the teacher.

Section 4. Class sizes shall be considered in allocating vocational education units. (1) All vocational classes shall have a minimum membership of ten (10) students.

(2) Two (2) sections of the same class shall have a minimum average of twelve (12) students per class; three (3) or more sections of the same class shall have a minimum average of fifteen (15).

(3) The maximum number of students per class shall be based on the class setting. For a classroom setting, the maximum enrollment shall be thirty (30). For a laboratory or shop setting, the maximum enrollment shall be twenty-seven (27) or the number for which the facility is equipped, whichever is less. For a supervised out-of-school setting, the maximum

enrollment shall be twenty-seven (27).

(4) Approval by the Superintendent of Public Instruction is required for justification of exceptions. Justifications shall be submitted by the local superintendent concurrent with the professional staff data forms.

Section 5. Vocational classes which are laboratory, shop, or practical exercise classes shall require two (2) consecutive class periods if the gross period of time for one (1) class is less than sixty (60) minutes. Programs having exploratory objectives shall be considered on individual requests as exceptions to the minimum length of class period.

Section 6. The Superintendent of Public Instruction shall calculate units for programs offered in local high schools based on the information provided on the professional staff data (PSD) form which is completed on September 15 and amended as of February 1. The PSD shall be used to determine the amounts of time devoted to vocational programs, services, and activities. Additional justification shall be provided as needed to justify periods not devoted to teaching. Units shall be allocated for each vocational period calculated to the nearest tenth of a unit.

Section 7. The allocation of units to local school districts sending students to state vocational-technical schools and area vocational education centers shall be calculated on the basis of the number of students enrolled as of October 1. A vocational education unit shall be allotted for thirty (30) students attending the school three (3) hours per day, five (5) days per week or equivalent to this amount of student time. Units will be calculated to the nearest one-tenth (0.1) unit. The "contract" vocational unit shall be calculated at the value for a Rank II teacher with four (4) to nine (9) years experience and one (1) month extended employment. The unit shall include the foundation program value for salary, capital outlay, and current expenses.

Section 8. The funds calculated from the Foundation Program for [units for] students attending state-operated vocational schools shall be divided. [The capital outlay allotment for each unit as defined in the biennial budget] Twenty (20) percent shall be transferred to the local school district owning the facility and [the remainder of the funds] eighty (80) percent transferred to the Office [Bureau] of Vocational Education for operating the program. If the facility is state-owned, 100 percent of the funds shall be transferred to the Office [Bureau] of Vocational Education.

APPROVED BY AGENCY: May 8, 1984
FILED WITH LRC: May 15, 1984

AMENDED AFTER HEARING

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water
Amended After Hearing

401 KAR 5:055. Scope and applicability of the
KPDES program.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033(19), (21),
(22), (23), 224.034, 224.060, 224.994(1), (4)

NECESSITY AND FUNCTION: KRS 224.033(21) provides that the Natural Resources and Environmental Protection Cabinet may require for persons discharging into the waters of the Commonwealth, by regulation, technological levels of treatment and effluent limitations. KRS 224.034(1) provides that the cabinet may issue federal permits pursuant to 33 U.S.C. Section 1342(b) of the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) subject to the conditions imposed in 33 U.S.C. Sections 1342(b) and 1342(d). KRS 224.034(1) requires that any exemptions granted in the issuance of such permits shall be pursuant to 33 U.S.C. Sections 1311, 1312 and 1326(a). Further, KRS 224.034(4) requires that the cabinet shall not impose under any permit issued pursuant to this regulation any effluent limitation, monitoring requirement or other condition which is more stringent than the effluent limitation, monitoring requirement or other condition which would have been applicable under the federal regulation if the permit were issued by the federal government. This regulation contains the scope and applicability of the KPDES program including specific inclusions and exclusions, prohibitions, requirements for general permits, and requirements for disposal into wells, into POTWS and by land application.

Section 1. Applicability of the KPDES Requirements. The KPDES program requires permits for the discharge of pollutants from any point source into waters of the Commonwealth. Compliance with the KPDES program requirements constitutes compliance with the operational permit requirements of 401 KAR 5:005, Section 3(2) and requirements related to the operational permit. Failure to obtain a KPDES permit does not relieve a discharger subject to the KPDES program from complying with the applicable performance standards of that [the KPDES] program, 401 KAR 5:050 to 5:085, inclusive.

(1) Specific inclusions. The following are examples of specific categories of point sources requiring KPDES permits for discharges. These terms are further defined in 401 KAR 5:060, Sections 5 through 12.

- (a) Concentrated animal feeding operations;
- (b) Concentrated aquatic animal production facilities;
- (c) Discharges into aquaculture projects;
- (d) Discharges from separate storm sewers; and
- (e) Silviculture point sources.

(2) Specific exclusions. The following discharges do not require KPDES permits:

- (a) Any discharge of sewage from vessels, effluent from properly functioning marine

engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured in waters of the Commonwealth for the purpose of mineral or oil exploration or development.

(b) Discharges of dredged or fill material into waters of the Commonwealth which are regulated under Section 404 of CWA (33 U.S.C. Section 1314).

(c) The introduction of sewage, industrial wastes, or other pollutants into publicly owned treatment works by indirect discharges. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the Commonwealth are eliminated.

(d) Any discharge in compliance with the instructions of an on-scene coordinator pursuant to 40 CFR 1510 (The National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances) or discharges in compliance with the state hazardous substance contingency plan issued pursuant to KRS 224.877(5).

(e) Any introduction of pollutants from non-point source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in Section 5 of 401 KAR 5:060, discharges from concentrated aquatic animal production facilities as defined in Section 6 of 401 KAR 5:060, discharges to aquaculture projects as defined in Section 7 of 401 KAR 5:060, and discharges from silvicultural point sources as defined in Section 9 of 401 KAR 5:060.

(f) Return flows from irrigated agriculture.

(g) Discharges into a privately owned treatment works, except as the director may otherwise require under 401 KAR 5:065, Section 2(12).

(h) Authorizations by permit or by rule which are prepared to assure that underground injection will not endanger drinking water supplies, pursuant to the Safe Drinking Water Act (42 USC 300f et seq.), and which are issued under a state or federal Underground Injection Control program; and, underground injections and disposal wells which are permitted by the cabinet pursuant to 401 KAR Chapter 5.

(i) Discharges which are not regulated by the U.S. EPA under Section 402 of the Clean Water Act (33 U.S.C. Section 1412).

Section 2. Prohibitions. No permit may be issued by the director: (1) When the conditions of the permit do not provide for compliance with the applicable requirements of KRS Chapter 224, or regulations promulgated pursuant thereto;

- (2) When the regional administrator has

objected to issuance of the permit in writing under the procedures specified in 40 CFR 123.75;

(3) When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of Kentucky and all affected states;

(4) When, in the judgment of the secretary of the U.S. Army, acting through the Chief of Engineers, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge;

(5) For the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;

(6) For the discharge inconsistent with a water quality management plan or plan amendment approved by EPA;

(7) To a new source or a new discharger, if the discharge from its construction or operation will cause or contribute to the violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet Kentucky water quality standards or is not expected to meet those standards even after the application of the effluent limitations required by the KPDES regulations and for which the cabinet has performed a pollutant load allocation for the pollutants to be discharged, must demonstrate, before the close of the public comment period, that:

(a) There are sufficient remaining pollutant load allocations to allow for the discharge; and

(b) The existing dischargers into that segment are subject to schedules of compliance designed to bring the segment into compliance with Kentucky water quality standards.

Section 3. Variance Requests by Non-POTWs. A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this section:

(1) Fundamentally different factors. A request for a variance based on the presence of "fundamentally different factors" from those on which the effluent limitations guideline was based shall be made by the close of the public comment period under Section 5 of 401 KAR 5:075. The request shall explain how the requirements of 401 KAR 5:080, Section 3, have been met.

(2) Non-conventional pollutants. A request for a variance from the BAT requirements for "non-conventional" pollutants, pursuant to Section 7(1) of this regulation because of the economic capability of the owner or operator, or pursuant to Section 7(2) of this regulation because of certain environmental considerations, must be made as follows. A completed request must be submitted no later than the close of the public comment period under Section 5 of 401 KAR 5:075 demonstrating that the applicable requirements of 401 KAR 5:080 have been met.

(3) Innovative technology. An extension under Section 7(3) of this regulation from the deadline in Section 1 of 401 KAR 5:080 for best available technology (BAT), based on the use of innovative technology, may be requested no later than the close of the public comment period under Section 5 of 401 KAR 5:075 for the discharger's initial permit requiring compliance with applicable effluent limitations. The

request shall demonstrate that the requirements of 401 KAR 5:080 have been met.

(4) Thermal discharges. A variance under Section 7(4) of this regulation for the thermal component of any discharge must be filed with a timely application for a permit under 401 KAR 5:060, except that if thermal effluent limitations are established by EPA or are based on Kentucky water quality standards the request for a variance may be filed by the close of the public comment period under Section 5 of 401 KAR 5:075.

Section 4. Expedited Variance Procedures and Time Extensions. Notwithstanding the time requirements in Section 3 of this regulation, the director may notify a permit applicant before a draft permit is issued under Section 3 of 401 KAR 5:075 that the draft permit will likely contain limitations which are eligible for variances.

(1) In the notice the director may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of 401 KAR 5:080 applicable to the variance have been met. The director may require the submittal within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.

(2) A discharger who cannot file a complete request required under Section 3(2) of this regulation may request an extension. The extension may be granted or denied at the discretion of the director. Extensions should be no more than six (6) months in duration.

Section 5. General Permits. (1) Coverage. The director may issue a general permit in accordance with the following:

(a) Area. The general permit will be written to cover a category of discharges described in the permit under paragraph (b) of this subsection, except those covered by individual permits, within a geographic area. The area will correspond to existing geographic or political boundaries, such as:

1. Designated planning areas under Sections 208 and 303 of CWA (33 U.S.C. 1288 and 1313);

2. City, county, or state political boundaries;

3. State highway systems;

4. Standard metropolitan statistical areas as defined by the University of Louisville Urban Studies Center, consistent with the U.S. Office of Management and Budget;

5. Urbanized areas as designated by the University of Louisville Urban Studies Center consistent with the U.S. Bureau of the Census; or

6. Any other appropriate division or combination of boundaries.

(b) Sources. The general permit will be written to regulate, within the area described in paragraph (a) of this subsection; either:

1. Separate storm sewers; or

2. A category of point sources other than separate storm sewers if the sources all:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes;

c. Require the same effluent limitations or operating conditions;

d. Require the same or similar monitoring; and
e. In the opinion of the director, are more appropriately controlled under a general permit than under individual permits.

(2) Administration.

(a) General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of 401 KAR 5:075.

(b) Requiring an individual permit.

1. The director may require any person authorized by a general permit to apply for and obtain an individual KPDES permit. Any interested person may petition the director to take action under this paragraph. Cases where an individual KPDES permit may be required include the following:

a. The discharger(s) is a significant contributor of pollution as determined by the factors set forth in Section 8(3)(b) of 401 KAR 5:060;

b. The discharger is not in compliance with the conditions of the general KPDES permit;

c. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

d. Effluent limitation guidelines are promulgated for point sources covered by the general KPDES permit;

e. A Kentucky Water Quality Management Plan containing requirements applicable to such point sources is approved; or

f. The requirements of subsection (1) of this section are not met.

2. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under 401 KAR 5:060, Section 1, to the director with reasons supporting the request. The request shall be submitted no later than ninety (90) days after the notice by the cabinet in accordance with 401 KAR 5:075, Section 5. The request shall be processed under 401 KAR 5:075. If the reasons cited by the owner or operator are adequate to support the request, the cabinet may issue an individual permit.

3. When an individual KPDES permit is issued to an owner or operator otherwise subject to a general KPDES permit, the applicability of the general permit to the individual KPDES permittee is automatically terminated on the effective date of the individual permit.

4. A permittee, excluded from a general permit solely because he already has an individual permit, may request that the individual permit be revoked. The permittee shall then request to be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

Section 6. Disposal of Pollutants into Wells, into POTWs or by Land Application. (1) The cabinet may issue permits to control the disposal of pollutants into wells, when necessary to protect the public health and welfare and to prevent the pollution of ground and surface waters.

(2) When part of a discharger's process wastewater is not being discharged into waters of the Commonwealth because it is disposed into a well, into a POTW, or by land application

thereby reducing the flow or level of pollutants being discharged into waters of the Commonwealth, applicable effluent standards and limitations for the discharge in a KPDES permit shall be adjusted to reflect the reduced raw waste resulting from such disposal. Effluent limitations and standards in the permit shall be calculated by one (1) of the following methods:

(a) If none of the waste from a particular process is discharged into waters of the Commonwealth, and effluent limitations guidelines provide separate allocation for wastes from that process, all allocations for the process shall be eliminated from calculation of permit effluent limitations or standards.

(b) In all cases other than those described in paragraph (a) of this subsection, effluent limitations shall be adjusted by multiplying the effluent limitation derived by applying effluent limitation guidelines to the total waste stream by the amount of wastewater now to be treated and discharged into waters of the Commonwealth, and dividing the result by the total wastewater flow. Effluent limitations and standards so calculated may be further adjusted under 401 KAR 5:080, Section 3, to make them more stringent if discharges to wells, publicly owned treatment works, or by land application change the character or treatability of the pollutants being discharged to receiving waters. This method may be algebraically expressed as:

$$P = E \times N/T$$

When P is the permit effluent limitation, E is the limitation derived by applying effluent guidelines to the total waste stream, N is the wastewater flow to be treated and discharged to waters of the Commonwealth and T is the total wastewater flow.

(3) Subsection (2) of this section shall not apply to the extent that promulgated effluent limitations guidelines:

(a) Control concentrations of pollutants discharged but not mass; or

(b) Specify a different specific technique for adjusting effluent limitations to account for well injection, land application, or disposal into POTWs.

(4) Subsection (2) of this section does not alter a discharger's obligation to meet any more stringent requirements established under 401 KAR 5:065.

Section 7. Variances Available to KPDES Applicants. Consistent with KRS 224.034(1), the variance provisions in this section and in Sections 3 and 4 of 401 KAR 5:080 lists, inclusively, those variances available to KPDES applicants.

(1) Economic capability. The director, with the concurrence of EPA, may modify the BAT requirements set out in 401 KAR 5:080, Section 1, for a point source, upon a showing by the owner or operator of that point source, satisfactory to the director that the modified requirement will:

(a) Represent the maximum use of technology within the economic capability of the owner or operator; and

(b) Result in reasonable further progress toward the elimination of the discharge of pollutants.

(2) Environmental considerations.

(a) The director, with the concurrence of EPA, may modify the BAT requirement set out in 401 KAR 5:080, Section 1, for a point source which does not discharge toxic pollutants identified in Section 5 of 401 KAR 5:080, conventional pollutants, or the thermal component of that discharge upon a showing by the owner or operator satisfactory to the director that:

1. The modified requirement will result, at a minimum, in compliance with the BPT requirement identified in 401 KAR 5:080 or Kentucky water quality standards, whichever is applicable;

2. The modified requirement will not result in any additional requirement on any other point or non-source point; and

3. The modification will not:

a. Interfere with the attainment or maintenance of that water quality which will assure protection of public water supplies, protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water; and

b. Result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity, including carcinogenicity, mutagenicity or teratogenicity, or synergistic propensities.

(b) If an owner or operator of a point source applies for a modification under this section for any pollutant, that owner or operator will be eligible to apply for a modification under subsection (1) of this section with respect to that pollutant only during the same time period as he is eligible to apply for a modification under this section.

(3) Innovative technology.

(a) The director may establish a date for complying with the deadline for achieving BAT set out in Section 1 of 401 KAR 5:080 no later than July 1, 1987, if the owner or operator establishes to the satisfaction of the director the following:

1. That the existing production capacity of the facility will be replaced with an innovative production process which will result in an effluent reduction significantly greater than that required by the limitation otherwise applicable to that facility, and which moves toward the state's goal of eliminating the discharge of all pollutants; or

2. That an innovative control technique will be installed which has a substantial likelihood for enabling the facility to comply with the applicable effluent limitation by achieving a significantly greater effluent reduction than that required by the applicable effluent limitation, and which moves toward the state's goal of eliminating the discharge of all pollutants; or

3. That an innovative system will be installed which has the potential for significantly lower costs than the system which has been determined by the director to be economically achievable.

(b) The innovative system must have the potential for industrywide application.

(c) The director may not modify any requirement under this section which applies to a pollutant on the toxic pollutant list set out at 401 KAR 5:080, Section 5.

(4) Thermal pollution.

(a) The director may impose an alternative effluent limitation for the thermal component of a discharge from a point source if the owner or operator can establish to the satisfaction of the director that the original effluent limitation proposed by the director is more stringent than necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge will be made.

(b) The alternative effluent limitation imposed by the director upon request by the owner or operator will take into account the interaction of the thermal component with other pollutants, and will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water.

Section 8. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors. (1) Definitions. "Requester" means an industrial user or a POTW seeking a variance from the limits specified in a categorical pretreatment standard.

(2) The criteria and standards for evaluating a request for a fundamentally different factors variance shall be pursuant to 401 KAR 5:080, Section 3.

(3) Application procedure.

(a) Application deadline.

1. Requests for a variance and supporting information must be submitted in writing to the director.

2. In order to be considered, request for variances must be submitted within 180 days after the effective date of the categorical pretreatment standard unless the user has requested a categorical determination.

3. When the user has requested a categorical determination the user may elect to await the results of the category determination before submitting a variance request under this section. When the user so elects, the user must submit the variance request within thirty (30) days after a final decision has been made on the categorical determination.

(b) Contents of submission. Written submissions for variance request shall include:

1. The name and address of the requester;

2. Identification of the interest of the requester which is affected by the categorical pretreatment standard for which the variance is requested;

3. Identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are regulated;

4. Identification of the categorical pretreatment standards which are applicable to the industrial user;

5. A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

6. The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in subparagraph 5 of this paragraph;

7. A description of the industrial user's existing water pollution control facilities;

8. A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and

9. A statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request.

(c) Deficient requests. The director will only act on written requests for variances that contain all of the information required. Requesters who have made incomplete submissions will be notified by the director that their requests are deficient and unless the time period is extended, will be given up to thirty (30) days to correct the deficiency. If the deficiency is not corrected within the time period allowed by the director, the request for a variance shall be denied.

(d) Public notice. Upon receipt of a complete request, the director will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

1. The public notice will be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice will include mailing notices to:

a. The POTW into which the industrial user discharges;

b. Adjoining states whose waters may be affected; and

c. Designated CWA Section 208 (33 U.S.C. Section 1288) planning agencies, federal and state fish, shellfish and wildlife resource agencies, and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

2. The public notice will provide for a period not less than thirty (30) days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

3. Following the comment period, the director will make a determination on the request taking into consideration any comments received. Notice of this final decision will be provided to the requester and all persons who submitted comments on the request.

(e) Review of requests by state.

1. When the director finds that fundamentally different factors do not exist, the director may deny the request, and notify the requester of the denial.

2. When the director finds that fundamentally different factors do exist the director will forward the request, with a recommendation that the request be approved, to the enforcement division director of EPA region IV.

Section 9. Pretreatment. (1) Applicability.

(a) This section applies to the following:

1. Pollutants from non-domestic sources covered by pretreatment standards which are indirectly discharged, transported by truck or rail, or otherwise introduced into POTWs;

2. POTWs which receive wastewater from sources subject to national pretreatment standards; and

3. Any new or existing source subject to national pretreatment standards.

(b) National pretreatment standards do not apply to sources which discharge to a sewer which is not connected to a POTW treatment plant.

(2) Definitions. The following definitions pertain to indirect dischargers and POTWs subject to pretreatment standards under the KPDES program.

(a) "Approved POTW pretreatment program" means a program administered by a POTW that meets the criteria established in subsection (8) of this section and which has been approved by the director in accordance with subsection (9) of this section.

(b) "Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated by the KPDES program.

(c) "Industrial user" or "user" means a source of indirect discharge.

(d) "Interference" means an inhibition or disruption of the POTW's, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to a violation of any requirement of the POTW's KPDES permit, including an increase in the magnitude or duration of a violation, or to the prevention of sewage sludge use or disposal by the POTW in violation of any applicable regulation. An industrial user significantly contributes to a permit violation or prevention of sludge use or disposal whenever the user:

1. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by applicable law;

2. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the POTW's approved method of sludge management.

(e) "National pretreatment standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the CWA (33 U.S.C. Section 1317(b) and (c)) which applies to industrial users. This includes prohibitive discharge limits established pursuant to subsection (4) of this section.

(f) "Pass through" means the discharge of pollutants through the POTW into waters of the Commonwealth in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's KPDES permit, including an increase in the magnitude or duration of a violation. An industrial user significantly contributes to such permit violation when it:

1. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by applicable law;

2. Discharge wastewater which substantially differs in nature and constituents from the user's average discharge;

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

4. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

(g) "POTW treatment plan" means that portion of the POTW which is designed to provide treatment, including recycling and reclamation

of municipal sewage and industrial waste.

(h) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means except as prohibited by this section.

(i) "Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

(3) Local law. Nothing in this regulation is intended to affect any pretreatment requirements, including any standards or prohibitions, established by local law as long as the local requirements are not less stringent than any set forth in national pretreatment standards, or any other requirements or prohibitions established by the cabinet or by EPA.

(4) National pretreatment standards: prohibited discharges.

(a) A non-domestic source introducing pollutants into a POTW shall comply with the general and specific prohibitions set forth in 40 CFR 403.5.

(b) A POTW developing a pretreatment program pursuant to subsection (7) of this section shall develop and enforce effluent limits to implement the prohibitions of paragraph (a) of this subsection pursuant to 40 CFR 403.5.

(c) A POTW without an approved pretreatment program shall, in cases where pollutants contributed by users result in interference or pass-through, and such violation is likely to recur, develop and enforcement specific effluent limits pursuant to 40 CFR 403.5.

(d) If, within thirty (30) days after notice of an interference violation has been sent by the cabinet to the POTW and to persons who have requested notice, the POTW fails to begin appropriate enforcement action, the cabinet may take appropriate enforcement action, pursuant to KRS 224.994 and 224.995.

(e) 40 CFR 403.5 is hereby incorporated by reference, revised as of July 1, 1982, as published by the Office of the Federal Register, National Archives and Register Service General Services Administration, and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(5) Pretreatment standards: categorical standards.

(a) In addition to the general prohibitions in subsection (4) of this section, all indirect discharges shall comply with national pretreatment standards promulgated by EPA and codified in 40 CFR Chapter I, Subchapter N. Compliance shall be required within the time specified in the appropriate subpart of Subchapter N.

(b) Industrial users may request the director to provide written certification on whether an industrial user falls within a particular subcategory. The director will act upon that request in accordance with the procedures in 40 CFR 403.6.

(c) Limitations for industrial users will be imposed in accordance with 40 CFR 403.6(c) through (e).

(d) 40 CFR Chapter I, Subchapter N, and 40 CFR 403.6 are hereby incorporated by reference, revised as of July 1, 1982, as published by the Office of the Federal Register, National Archives and Register Service General Services Administration, and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Division of Water, Permits Branch, Frankfort, Kentucky.

(6) Revision of categorical pretreatment standards to reflect POTW removal of pollutants. This subsection provides the criteria and procedures to be used by a POTW in revising the pollutant discharge limits specified in categorical pretreatment standards to reflect removal of pollutants by the POTW.

(a) Definitions. For the purpose of this subsection:

1. "Removal" means a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities, or it may be incidental to the operation of the treatment system. Removal does not mean dilution of a pollutant in the POTW. The demonstration of removal shall consist of data which reflect the removal achieved by the POTW for those specific pollutants of concern included on the list developed pursuant to Section 307(a) of the CWA (33 U.S.C. Section 1317(a)). Each categorical pretreatment standard will specify whether or not a removal allowance may be granted for indicator or surrogate pollutants regulated in that standard.

2. "Consistent removal" means the average of the lowest fifty (50) percent of the removals measured according to paragraph (d)2 of this subsection. All sample data obtained for the measured pollutant during the time period prescribed in that paragraph shall be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the director. If the substance is not measurable in the influent, the data may not be used. When the number of samples with concentrations equal to or above the limit of measurement is between eight (8) and twelve (12), the average of the lowest six (6) removals shall be used. If there are less than eight (8) samples with concentrations equal to or above the limit of measurement, the director may approve alternate means for demonstrating consistent removal.

3. "Measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

4. "Overflow" means the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant.

(b) Revision of categorical pretreatment standards to reflect POTW pollutant removal. A POTW receiving wastes from an industrial user to which a categorical pretreatment standard applies may, pursuant to this subsection, revise the discharge limits for a specific pollutant covered in the categorical pretreatment standard

applicable to that user. Revisions shall only be made when the POTW demonstrates consistent removal of each pollutant for which the discharge limit in a categorical pretreatment standard is to be revised at a level which justifies the amount of revision to the discharge limit. In addition, revision of pollutant discharge limits in categorical pretreatment standards by a POTW may only be made as follows:

1. Application. The POTW shall apply for, and receive authorization from the director in accordance with subsections (8) and (9) of this section;

2. POTW pretreatment program. The POTW shall have a pretreatment program approved in accordance with subsections (7), (8) and (9) of this section. However, a POTW may conditionally revise the discharge limits for specific pollutants, even though a pretreatment program has not been approved, as follows. These provisions also govern the issuance of provisional authorizations under paragraph (d)2g of this subsection;

a. An industrial user wishing to receive a conditional or provisional revision of categorical pretreatment standards shall submit to the POTW the information required in subsection (10)(b)1 through 7 of this section, except that the compliance schedule is not required when a provisional allowance is requested. The submission shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standards as revised by the POTW.

b. The POTW shall compile and submit data demonstrating removal in accordance with the requirements of paragraphs (d)1 through 7 of this subsection. The POTW shall submit to the director a removal report which comports with the signatory and certification requirements of subsection (10)(l) and (m) of this section. This report shall contain a certification by any of the persons specified in subsection (10)(l) of this section or by an independent engineer, containing the following statement: "I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of Section 9(6)(d) of this regulation. Moreover, based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

c. The POTW shall submit to the director an application for pretreatment program approval meeting the requirements of subsections (7) and (8)(a) or (b) of this section in a timely manner, not to exceed the time limitation set forth in a compliance schedule for development of a pretreatment program included in the POTW's KPDES permit.

d. If a POTW grants a conditional or provisional revision and the director subsequently makes a final determination, after notice and an opportunity for a hearing, that the POTW failed to comply with the conditions in paragraphs (b)2a or b of this subsection, or that its sludge use or disposal practices are

not in compliance with the provisions of paragraph (b)4 of this subsection, the revision shall be terminated by the director and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard as specified by the director. However, the revision will not be terminated when the POTW has not made a timely application for program approval if the POTW has made demonstrable progress towards and has demonstrated and continues to demonstrate an intention to submit an approvable pretreatment program as expeditiously as possible within an additional period of time, not to exceed one (1) year, established by the director.

e. If a POTW grants a conditional or provisional revision and the POTW or director subsequently makes a final determination after notice and an opportunity for a hearing, that the industrial user failed to comply with conditions in paragraph (b)1d of this subsection, including in the case of a conditional revision, the dates specified in the compliance schedule required by subsection (10)(b)7 of this section, the revision shall be terminated by the POTW or the director for the noncomplying industrial user and each noncomplying industrial user to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standards within the time period specified in that standard. The revision will not be terminated when a violation of the provisions of this subparagraph results from causes entirely outside the control of the industrial user or the industrial user has demonstrated substantial compliance.

f. The POTW shall submit to the director by December 31 of each year the name and address of each industrial user that has received a conditionally or provisionally revised discharge limit. If the revised discharge limit is revoked, the POTW shall submit the information in paragraph (b)2a of this subsection to the director.

3. Compensation for overflow. POTW's which at least once annually overflow untreated wastewater to receiving waters may claim consistent removal of a pollutant only by complying with either subparagraph a or b of this paragraph. However, this paragraph will not apply when an industrial user can demonstrate that overflow does not occur between the industrial user and the POTW treatment plant.

a. Consistent removal may be claimed if the industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur at the POTW or at a sewer to which the industrial user is connected. Discharges shall cease or be reduced, or pretreatment shall be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted when the POTW submits to the director evidence that:

(i) All industrial users to which the POTW proposes to apply this provision have demonstrated the ability to contain or otherwise

cease or reduce, during circumstances in which an overflow event can reasonably be expected to occur, discharges from the regulated processes which contain pollutants for which an allowance is requested;

(ii) The POTW has identified circumstances in which an overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease or reduce discharging to prevent untreated overflows from occurring. The POTW shall also demonstrate that it will monitor and verify the data required in paragraph (b)3a(iii) of this subsection to insure that industrial users are containing, ceasing or reducing operations during POTW system overflow; and

(iii) All industrial users to which the POTW proposes to apply this provision have demonstrated the ability and commitment to collect and make available upon request by the POTW, director or regional administrator daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced or otherwise ceased, as appropriate, during all circumstances in which an overflow event was reasonably expected to occur; or

b. (i) Consistent removal may be claimed if reduced pursuant to the following equation:

$$r_c = r_m = \frac{8760 - Z}{8760}$$

Where:

r_m = POTW's consistent removal rate for that pollutant as established under paragraphs (a)1 and (d)2 of this subsection.

r_c = removal corrected by the overflow factor.

Z = hours per year that overflow occurred between the industrial user and the POTW treatment plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plant.

(ii) After July 1, 1983, consistent removal may be claimed only when efforts to correct the conditions resulting in untreated discharges by the POTW are underway in accordance with the policy and procedures set forth in "PRM 75-34" (Program Guidance Memorandum-61) published on December 16, 1975 by EPA Office of Water Program Operations (WH-546). Revisions to discharge limits in categorical pretreatment standards may not be made when efforts have not been committed to by the POTW to minimize pollution from overflows. At a minimum, by July 1, 1983, the POTW shall have completed the analysis required by PRM 75-34 and be making an effort to implement the plan.

(iii) If, by July 1, 1983, a POTW has begun the PRM 75-34 analysis but due to circumstances beyond its control has not completed it, consistent removal, subject to the approval of the director may continue to be claimed according to the formula in paragraph (b)3b(i) of this subsection as long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the non-structural

cost-effective measures identified by the analysis; and as long as the POTW has expressed its willingness to apply, after completing the analysis, for a construction grant necessary to implement any other cost-effective overflow controls identified in the analysis should federal funds become available, so applies for such funds, and proceeds with the required construction in an expeditious manner. In addition, consistent removal may, subject to the approval of the director, continue to be claimed according to the formula in paragraph (b)3b(i) of this subsection when the POTW has completed and the director has accepted the analysis required by PRM 75-34, and the POTW has requested inclusion in its KPDES permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. In considering what is timely implementation, the director will consider the availability of funds, cost of control measures and seriousness of the water quality problem.

4. Compliance with applicable sludge requirements. A revision shall not contribute to the POTW's inability to comply with its KPDES permit or with any applicable statutes or regulations pertaining to sludge management.

(c) POTW application for authorization to revise discharge limits.

1. An application for authorization to revise discharge limits for industrial users who are or in the future may be subject to categorical pretreatment standards, or approval of discharge limits conditionally or provisionally revised for industrial users by the POTW shall be submitted by the POTW to the director.

2. A POTW may submit an application no more than once per year for:

a. Any categorical pretreatment standard promulgated in the prior eighteen (18) months;

b. Any new or modified facilities or production changes resulting in the discharge of pollutants which were not previously discharged and which are subject to promulgated categorical standards; or

c. Any significant increase in removal efficiency attributable to specific identifiable circumstances or corrective measures, such as improvements in operation and maintenance practices, new treatment or treatment capacity, or a significant change in the influent to the POTW treatment plant.

3. The director may, however, elect not to review the application upon receipt, in which case the POTW's conditionally or provisionally revised discharge limits will remain in effect until reviewed by the director. This review may occur at any time in accordance with the procedures of subsection (9) of this section, but in no event later than the time of any pretreatment program approval or any KPDES permit reissuance thereafter.

4. If the consistent removal claimed is based on an analytical technique other than the technique specified for the applicable categorical pretreatment standard, the director may require the POTW perform additional analyses.

(d) Contents of application to revise discharge limits. Requests for authorization to revise discharge limits in categorical pretreatment standards shall be supported by the following information:

1. List of pollutants. The POTW shall submit a

list of pollutants for which discharge limit revisions are proposed.

2. Consistent removal data. The POTW shall submit influent and effluent operational data demonstrating consistent removal, or other information provided for in paragraph (a)2 of this subsection which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

a. Representative data: seasonal. The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

b. Representative data: quality and quantity. The data shall be representative of the quality and quantity of normal effluent and influent flow if that data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal as provided for in paragraph (a)2 of this subsection.

c. Sampling procedures: composite.

(i) The influent and effluent operational data shall be obtained through twenty-four (24) hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least twelve (12) aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to either stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

(ii) Twelve (12) samples shall be taken at approximately equal intervals throughout one (1) full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the director determines that this schedule will not be most representative of the actual operation of the POTW treatment plant, an alternative sampling schedule will be approved.

(iii) Upon the director's concurrence, a POTW may utilize a historical data base amassed prior to the effective date of this subsection provided that such data otherwise meet the requirements of this subparagraph. In order for the historical data base to be approved it must present a statistically valid description of daily, weekly and seasonal sewage treatment plant loadings and performance for at least one (1) year.

(iv) Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time, compensation or unless the director requires detention time compensation. The director may require that each effluent sample be taken approximately one (1) detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

d. Sampling procedures: grab. When composite sampling is not an appropriate sampling technique, grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, when the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding fifteen (15) minutes.

e. Analytical methods. Sampling and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. When 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or when the director, with the concurrence of the administrator, determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the director.

f. Calculation of removal. All data shall be submitted to the director. Removal for a specific pollutant shall be determined either, for each sample, by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration, or, when such data cannot be obtained, removal may be demonstrated using other data or procedures subject to concurrence by the director.

g. Exception to sampling data requirement: provisional removal demonstration. For pollutants which are not currently being discharged, application may be made by the POTW for provisional authorization to revise the applicable categorical pretreatment standard prior to initial discharge of the pollutant. Consistent removal may be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities when the quality and the quantity of influent are similar. In calculating and applying for provisional removal allowances, the POTW shall comply with the provision of paragraphs (b)1 through 4 of this subsection. Within eighteen (18) months after the commencement of discharge of the pollutants in question, consistent removal shall be demonstrated.

3. List of industrial subcategories. The POTW shall submit a list of the industrial subcategories for which discharge limits in categorical pretreatment standards will be revised, including the number of industrial users in each subcategory and an identification of which of the pollutants on the list are discharged by each subcategory.

4. Calculation or revised discharge limits. The POTW shall submit proposed revised discharge limits for each of the subcategories of

industrial users calculated in the following manner:

a. The proposed revised discharge limit for a specified pollutant shall be derived by use of the following formula:

$$Y = \frac{x}{1-r}$$

where:

x = pollutant discharge limit specified in the applicable categorical pretreatment standard.

r = POTW's consistent removal rate for that pollutant as established under paragraphs (a)2, (d)2, and if appropriate, (b)3b1 of this subsection (percentage expressed as a decimal).

y = revised discharge limit for the specified pollutant (expressed in same units as x).

b. In calculating revised discharge limits, the revision shall be applied equally to all existing and new industrial users in an industrial subcategory subject to categorical pretreatment standards which discharge that pollutant to the POTWs.

5. Data on sludge characteristics. The POTW shall submit data showing the concentrations and amounts in the POTW's sludge of the pollutants for which discharge limit revisions are proposed and for which EPA, the director or municipality have published sludge disposal or use criteria applicable to the POTW's current method of sludge use or disposal. These data shall meet the following requirements:

a. The data shall be obtained through a composite sample taken during the same sampling periods selected to measure consistent POTW removals in accordance with the requirements of paragraph (d)2 of this subsection. Each composite sample shall contain a minimum of twelve (12) discrete samples taken at equal time intervals over a twenty-four (24) hour period. When a composite sample is not an appropriate sampling technique, grab samples shall be taken.

b. Sampling and analysis shall be performed in accordance with the sampling and analytical techniques described previously in paragraph (d)2e of this subsection.

6. Description of sludge management. The POTW shall submit a specific description of the POTW's current methods of use or disposal of its sludge and data demonstrating that the current sludge use or disposal methods comply and will continue to comply with the requirements of paragraph (b)4 of this subsection.

7. Certification statement. The POTW shall submit the certification statement required by paragraph (b)2b of this subsection stating that the pollutant removals and associated revised discharged limits have been or will be calculated in accordance with this section and any guidelines issued by EPA under Section 304(g) of the CWA (33 U.S.C. Section 1314(g)).

(e) Procedure for authorizing modification of standards.

1. Application for authorization to revise national pretreatment standards shall comply with subsection (8) of this section and paragraphs (c) and (d) of this subsection. Notice, public comment, and review by the director will comply with subsection (9) of this section.

2. A POTW which has received a construction grant from funds authorized for any fiscal year beginning after September 30, 1978, will only be

considered for authorization to modify national standards after it has completed the analysis required by Section 201(g)(5) of the CWA (33 U.S.C. Section 1288(g)(5)) and demonstrated that modification of the discharge limits in national standards will not preclude the use of innovative or alternative technology. In addition, when sludge disposal or treatment technology is or will be acquired or constructed with construction grant funds, POTWs should refer to 40 CFR 35.917(d)(6) and Appendix A to determine the funding eligibility of sludge disposal or treatment facilities.

3. The director shall, at such time as it elects to review the submission, or at the time of POTW pretreatment program approval or KPDES permit reissuance thereafter, authorize the POTW to revise industrial user discharge limits, consistent with the provisions of this subsection.

4. An industrial user or other interested party may assist the POTW in preparing and presenting the information necessary to apply for authorization to revise categorical pretreatment standards.

(f) Continuation and withdrawal of authorization.

1. Monitoring and reporting of consistent removal. Following authorization to revise the discharge limits in pretreatment standards, the POTW shall continue to monitor and report on, at frequencies and over intervals specified by the director, with the concurrence of the regional administrator, but in no case less than two (2) times per year, the POTW's removal capabilities for all pollutants for which authority to revise the standards was granted. Monitoring and reporting shall be in accordance with subsection (10)(i) and (j) of this section pertaining to pollutant removal capability reports.

2. Re-evaluation of revisions. Approval of authority to revise pretreatment standards will be re-examined whenever the POTW's KPDES permit is reissued, unless the director, with the concurrence of the regional administrator determines the need to re-evaluate the authority. In order to maintain a removal allowance, the POTW shall comply with all federal, state and local statutes, regulations, and permits applicable to the POTW's selected method of sludge use or disposal. In addition, where overflows of untreated waste by the POTW continue to occur, the director, with the concurrence of the regional administrator, may condition continued authorization to revise discharge limits upon the POTW's performing additional analysis and/or implementing additional control measures as is consistent with EPA policy on POTW overflows.

3. Inclusion in POTW permit. Once authority to revise discharge limits for a specified pollutant is granted, the revised discharge limits for industrial users of the system as well as the consistent removal documented by the POTW for that pollutant and the other requirements of paragraph (b) of this subsection, shall be included in the POTW's KPDES permit upon the earliest reissuance or modification, at or following program approval, and shall become enforceable requirements of the POTW's KPDES permit.

4. Modification or withdrawal of revised limits.

a. Notice to POTW. The director shall notify the POTW if, on the basis of pollutant removal

capability reports received pursuant to paragraph (f)1 of this subsection or other information available to it, the director determines:

(i) That one (1) or more of the discharge limit revisions made by the POTW, or the POTW itself, no longer meets the requirements of this subsection; or

(ii) That such discharge limit revisions are causing or significantly contributing to a violation of any conditions or limits contained in the POTW's KPDES permit. A revised discharge limit is significantly contributing to a violation of the POTW's permit if it satisfies the definitions set forth in subsection (2)(d) or (f) of this section.

b. Corrective action. If appropriate corrective action is not taken within a reasonable time, not to exceed sixty (60) days unless the POTW or the affected industrial users demonstrate that a longer time period is reasonably necessary to undertake the appropriate corrective action, the director shall either withdraw such discharge limits or require modifications in the revised discharge limits.

c. Public notice of withdrawal or modification. The director will not withdraw or modify revised discharge limits unless it shall first have notified the POTW and all industrial users to whom revised discharge limits have been applied and made public in writing, the reasons for withdrawal or modification, and an opportunity is provided for a hearing. Following notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards, as appropriate, and shall achieve compliance with those limits within a reasonable time not to exceed the period of time prescribed in the applicable categorical pretreatment standard as may be specified by the director.

(7) POTW pretreatment programs: development by POTW.

(a) POTWs required to develop a pretreatment program. Any POTW, or combination of POTWs operated by the same authority, with a total design flow greater than 5 million gallons per day (mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards shall be required to establish a POTW pretreatment program. The director may require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if it is found that the nature or volume of the industrial influent, treatment process upsets, violations of POTW affluent limitations, contamination of municipal sludge, or other circumstances so warrant. In addition, a POTW desiring to modify categorical pretreatment standards for pollutants removed by the POTW pursuant to subsection (6) of this section shall have an approved pretreatment program prior to obtaining final approval of a removal allowance, unless conditional approval of a removal allowance is granted by the director pursuant to subsection (6) of this section.

(b) Deadline for program approval. A POTW which meets the criteria of this subsection will receive approval of a POTW pretreatment program

no later than three (3) years after the reissuance or modification of its existing permit but in no case later than July 1, 1983.

(c) Incorporation of approved programs in permits. A POTW may develop an approvable POTW pretreatment program any time before the time limit set forth in paragraph (b) of this subsection. The POTW's KPDES permit will be reissued or modified to incorporate the approved program conditions as enforceable conditions of the permit.

(d) Incorporation of compliance schedules in permits. If the POTW does not have an approved pretreatment program at the time the POTW's existing permit is reissued or modified, the reissued or modified permit will contain the shortest reasonable compliance schedule, not to exceed three (3) years or July 1, 1983, whichever is sooner, for the approval of the legal authority, procedures and funding required by paragraph (f) of this subsection.

(e) Cause for reissuance or modification of permits. The director may modify or revoke and reissue a POTW's permit in order to:

1. Put the POTW on a compliance schedule for the development of a POTW pretreatment program when the addition of pollutants into a POTW by an industrial user or combination of industrial users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

2. Coordinate the issuance of a CWA Section 201 (33 U.S.C. Section 1281) construction grant with the incorporation into a permit of a compliance schedule for POTW pretreatment program;

3. Incorporate an approved POTW pretreatment program in the POTW permit; or

4. Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(f) POTW pretreatment program requirements. A POTW pretreatment program shall meet the following requirements:

1. Legal authority. The POTW shall operate pursuant to enforceable legal authority, which authorizes or enables the POTW to apply and to enforce the requirements of this section. The authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by law. At a minimum, this legal authority shall enable the POTW to:

a. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users when such contributions do not meet applicable pretreatment standards and requirements or when such contributions would cause the POTW to violate its permit;

b. Require compliance with applicable pretreatment standards and requirements by industrial users;

c. Control, through permit, contract, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements;

d. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and

requirements, including but not limited to the reports required in subsection (10) of this section;

e. Require the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements;

f. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under subsection (12) of this section to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under CWA Section 308 (33 U.S.C. Section 1318);

g. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. A POTW shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. A POTW shall seek and assess civil and criminal penalties, as authorized by law. A POTW may enter into contracts with industrial users to assure compliance by industrial users with pretreatment standards and requirements. A contract may provide for liquidated damages for violation of pretreatment standards and requirements and may include an agreement by the industrial user to submit to the remedy of specific performance for breach of contract;

h. Pretreatment requirements enforced through the remedies set forth in subparagraph g of this paragraph shall include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; or any reporting requirements imposed by the POTW or this section. The POTW shall have authority and procedures to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons. The POTW shall also have authority and procedure to halt or prevent any discharge to the POTW which presents or may present danger to the environment or which threatens to interfere with the operation of the POTW. The director shall have authority to seek enforcement for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a penalty which the director finds to be insufficient; and

i. Comply with the confidentiality requirements set forth in subsection (11) of this section.

2. Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:

a. Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this paragraph shall be made available to the director upon request;

b. Identify the character and volume of

pollutants contributed to the POTW by the industrial user identified under subparagraph 2a of this paragraph. This information shall be made available to the director upon request;

c. Notify industrial users identified under subparagraph 2a of this paragraph of applicable pretreatment standards and any other applicable requirements;

d. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements of subsection (10) of this section;

e. Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The results of these activities shall be made available to the director upon request;

f. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required by subsection (10) of this section, or indicate by analysis, inspection, and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

g. Comply with all applicable public participation requirements. These procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, during the previous twelve (12) months, were significantly violating applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant violation is a violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority.

3. Funding. The POTW shall have sufficient resources and qualified personnel to carry out all required authorities and procedures. In some limited circumstances, funding and personnel may be delayed by the director when the POTW has adequate legal authority and procedures to carry out the pretreatment program requirements and a limited aspect of the program does not need to be implemented immediately.

(8) POTW pretreatment programs and authorization to revise pretreatment standards: submission for approval.

(a) Who approves program. A POTW requesting approval of a POTW pretreatment program shall develop a program description which includes the information set forth in paragraphs (b)1 through 4 of this subsection. This description shall be submitted to the director, who will make a determination on the request for program approval in accordance with procedure described in subsection (9) of this section.

(b) Contents of POTW program submission.

1. The program submission shall contain a statement from the city attorney or a city official acting in a comparable capacity, or the attorney for those POTWs which have independent

legal counsel, that the POTW has authority adequate to carry out the programs described in subsection (7) of this section. This statement shall:

a. Identify the provision of the legal authority under subsection (7)(f)1 of this section which provides the basis for each procedure under subsection (7)(f)2 of this section;

b. Identify the manner in which the POTW will implement the program requirements set forth in subsection (7) of this section including the means by which pretreatment standards will be applied to individual industrial users; and

c. Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users.

2. The program submission shall contain a copy of any statutes, ordinances, regulations, contracts, agreements, or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW pretreatment program if approved.

3. The program submission shall contain a brief description, including organization charts of the POTW organization which will administer the pretreatment program. If more than one (1) agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated and their procedures for coordination set forth.

4. The program description shall contain a description of the funding levels and full and part-time manpower available to implement the program.

(c) Conditional POTW program approval. The POTW may request conditional approval of the pretreatment program pending the acquisition of funding and personnel for certain elements of the program. The request for conditional approval shall meet the requirements of paragraph (b) of this subsection except that the requirements of paragraph (b) of this subsection may be relaxed if the submission demonstrates that:

1. A limited aspect of the program does not need to be implemented immediately;

2. The POTW had adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and

3. Funding and personnel for the program aspects to be implemented at a later date will be available when needed. The POTW shall describe in the submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the director will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date the conditional approval of the POTW pretreatment program and any removal allowances granted to the POTW may be modified or withdrawn.

(d) Content of removal allowance submission. The request for authority to revise categorical pretreatment standards shall contain the information required in subsection (6)(d) of this section.

(e) Approval authority action. A POTW

requesting POTW pretreatment program approval shall submit to the director three (3) copies of the submission described in paragraph (b) of this subsection. Upon a preliminary determination that the submission meets the requirements of paragraph (b) of this subsection the director will:

1. Notify the POTW that the submission has been received and is under review; and

2. Commence the public notice and evaluation activities set forth in subsection (9) of this section.

(f) Notification where submission is defective. If after review of the submission as provided for in paragraph (c) of this subsection, the director determines that the submission does not comply with the requirements of paragraphs (b) or (c) and, if appropriate, (d) of this subsection, the director will provide notice in writing to the applying POTW and each person who has requested individual notice. This notification will identify any defects in the submission and advise of the means by which the POTW can comply with the applicable requirements of paragraphs (b) and (c) and, if appropriate, (d) of this subsection.

(g) Consistency with water quality management plans.

1. In order to be approved, the POTW pretreatment program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR Parts 130 and 131, when the CWA Section 208 (33 U.S.C. Section 1288) plan includes management agency designations and addresses pretreatment in a manner consistent with this section. In order to assure such consistency the director will solicit the review and comment of the appropriate CWA Section 208 planning agency during the public comment period provided for in subsection (9) of this section prior to approval or disapproval of the program.

2. When no 208 plan has been approved or when a plan has been approved but lacks management agency designations and/or does not address pretreatment in a manner consistent with this section, the director will solicit the review and comment of the appropriate 208 planning agency.

(9) Approval procedures for POTW pretreatment programs and POTW revision of categorical pretreatment standards. The following procedure will be adopted in approving or denying requests for approval of POTW pretreatment programs and revising categorical pretreatment standards:

(a) Deadline for review of submission. The director will have ninety (90) days from the date of public notice of a submission complying with the requirements of subsection (8) of this section, or if a removal allowance is sought with the requirements of subsection (6) of this section, to review the submission. The director will review the submission to determine compliance with the requirements of subsection (8) of this section, and when a removal allowance is sought, with subsection (6) of this section. The director may have up to an additional ninety (90) days to complete the evaluation of the submission if the public comment period provided for in paragraph (b)1a of this subsection is extended beyond thirty (30) days or if a public hearing is held as provided for in paragraph (b)2 of this subsection. In no event, however, will the time

for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission.

(b) Public notice and opportunity for hearing. Upon receipt of a submission the director will commence its review. Within five (5) days after making a determination that a submission meets the requirements of subsection (8)(b) of this section, and when a removal allowance is sought with subsections (6)(d) and (8)(d) of this section, the director will:

1. Issue a public notice of request for approval of the submission:

a. This public notice will be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice will include mailing notices of the request for approval of the submission to designated CWA Section 208 (33 U.S.C. 1288) planning agencies, federal and state fish, shellfish, and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and publication of a notice of request for approval of the submission in the largest daily newspaper within the jurisdiction served by the POTW.

b. The public notice will provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may submit their written views on the submission.

c. All written comments submitted during the thirty (30) day comment period will be retained by the director and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the director.

2. The director will also provide an opportunity for the applicant, any affected state, any interested state or federal agency, person or group of persons to request a public hearing with respect to the submission.

a. This request for public hearing shall be filed within the thirty (30) day or extended comment period described in paragraph (b)1b of this subsection and will indicate the interest of the person filing such request and the reasons why a hearing is warranted.

b. The director will hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved.

c. Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate will be published in the same newspaper as the notice of the original request. In addition notice of the hearing will be sent to those persons requesting individual notice.

3. When the director elects to defer review of a submission which authorizes a POTW to grant conditional revised discharge limits, the director will publish public notice of its election, pursuant to paragraph (b)1 of this subsection.

(c) Director's decision. At the end of the thirty (30) day or extended comment period and within the ninety (90) day or extended period provided for in paragraph (a) of this subsection, the director will approve or deny

the submission based upon the evaluation in paragraph (a) of this subsection and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. When the director makes a determination to deny the request, the director will so notify the POTW and each person who has requested individual notice. This notification will include suggested modification and the director may allow the requestor additional time to bring the submission into compliance with applicable requirements.

(d) EPA objection to director's decision. No POTW pretreatment program will be approved by the director if following the thirty (30) day or extended evaluation period provided for in paragraph (b)1b of this subsection and any hearing held pursuant to paragraph (b)2 of this subsection, the regional administrator sets forth in writing objections to the approval of such submission and the reasons for such objections. A copy of the regional administrator's objections will be provided to the applicant, and each person who has requested individual notice.

(e) Notice of decision. The director will notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the director will cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request was published. The director will identify any authorization to modify categorical pretreatment standards by the POTW for removal of pollutants subject to the pretreatment standards.

(f) Public access to submission. The director will ensure that the submission and any comments on the submission are available to the public for inspection and copying.

(10) Reporting requirements for POTWs and industrial users.

(a) Definition. "Control authority" as it is used in this subsection means the POTW if the POTW's submission for its pretreatment program has been approved or the director if the submission has not been approved.

(b) Reporting requirement for industrial users upon effective date of categorical pretreatment standards—baseline report. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under subsection (5)(a)4 of this section, whichever is later, existing industrial users subject to categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subparagraphs 1 through 7 of this paragraph. When reports containing this information already have been submitted to the director in compliance with the requirements of 40 CFR Part 128.140(b), the industrial user will not be required to submit this information again. New sources shall be required to submit to the control authority a report which contains the information listed in subparagraphs (1) through (5) of this paragraph:

1. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owner.

2. Permits. The user shall submit a list of any environmental control permits held by or for the facility.

3. Description of operations. The user shall submit a brief description of the nature, average rate of production and standard industrial classification of the operation carried out by the industrial user. This description may include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process streams. The control authority may allow for verifiable estimates of these flows when justified by cost or feasibility considerations.

5. Measurement of pollutants.

a. The user shall identify the pretreatment standards applicable to each regulated process;

b. The user shall submit the results of sampling and analysis identifying the nature and concentration, or mass, of regulated pollutants in the discharge from each regulated process when required by the control authority. Both daily maximum and average concentration, or mass, where required shall be reported. The sample shall be representative of daily operations;

c. When feasible samples must be obtained through the flow-proportional composite sampling techniques specified in the applicable categorical pretreatment standard. When composite sampling is not feasible, a grab sample is acceptable;

d. When the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd) the user shall take three (3) samples within a two (2) week period. When the flow of the stream being sampled is greater than 950,000 liters/day, the user shall take six (6) samples within a two (2) week period;

e. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of subsection (5) of this section in order to evaluate compliance with the pretreatment standards. When an alternate concentration or mass limit has been calculated in accordance with the combined wastestream formula of subsection (5) of this section, this adjusted limit along with supporting data shall be submitted to the control authority;

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. When 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or when the director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the director;

g. The control authority may allow the

submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

h. The baseline report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Certification. The user shall submit a statement, reviewed by an authorized representative of the industrial user and certified to be a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

7. Compliance schedule. If additional pretreatment and/or operation and maintenance are required to meet the pretreatment standards, the user shall submit the shortest schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

a. When the industrial user's categorical pretreatment standard has been modified by a removal allowance under subsection (6) of this section, or by a fundamentally different factors variance under 401 KAR 5:055, Section 8, at the time the user submits the report required by paragraph (b) of this subsection, the information required by paragraphs (b)6 and 7 of this subsection shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance under subsection (6) of this section or by a fundamentally different factors variance under 401 KAR 5:055, Section 8, after the user submits the report required by paragraph (b) of this subsection, any necessary amendments to the information requested by paragraphs (b)6 and 7 of this subsection shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(c) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by paragraph (b)7 of this subsection:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards.

2. No increment referred to in paragraph (c)1 of this subsection shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on that date and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the

construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(d) Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

(e) Periodic reports on continued compliance.

1. Any industrial user subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph (b)4 of this subsection except that the control authority may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

2. When the control authority has imposed mass limitations on industrial users as provided by subsection (5)(c) of this section, the report required by paragraph (c)1 of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(f) Notice of slug loading. The industrial user shall notify the POTW immediately of any slug loading, as defined by subsection (4)(a) of this section by the industrial user.

(g) Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs (b)5, (d), and (e) of this subsection shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which

are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All sampling and analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the CWA (33 U.S.C. Section 1314(g)), and set forth in 40 CFR Part 136. If 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or if the director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties and approved by the director.

(h) Compliance schedule for POTWs. The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program.

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program.

2. No increment referred to in paragraph (h)(1) of this section shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(i) Initial POTW report on compliance with approved removal allowance. A POTW which has received authorization to modify categorical pretreatment standards for pollutants removed by the POTW in accordance with the requirements of subsection (6) of this section shall submit to the director within sixty (60) days after the effective date of a pretreatment standard for which authorization to modify has been approved, a report which contains all information required by subsection (6) of this section. A minimum of one (1) sample per month during the reporting period is required.

(j) Periodic reports by POTW to demonstrate continued compliance with removal allowance. The reports referred to in paragraph (i) of this subsection shall be submitted to the approval authority at six (6) month intervals beginning with the submission of the initial report referred to in paragraph (i) of this subsection unless required more frequently by the director.

(k) Signatory requirements for industrial user reports. The reports required by paragraphs (b), (d), and (e) of this section shall be signed by an authorized representative of the industrial user. An authorized representative may be:

1. A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

2. A general partner or proprietor if the industrial user is a partnership or sole

proprietorship respectively.

3. A duly authorized representative of the individual designated in paragraph (k)1 or 2 of this subsection if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

(l) Signatory requirements for POTW reports. Reports submitted to the approval authority by the POTW in accordance with paragraphs (h), (i) and (j) of this subsection shall be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

(m) Provisions governing fraud and false statements. The reports required by paragraphs (b), (d), (e), (h), (i) and (j) of this subsection shall be subject to KRS 224.994(4) and all other state and federal laws pertaining to fraud and false statements.

(n) Recordkeeping requirements.

1. Any industrial user and POTW subject to the reporting requirements established in this subsection shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

b. The dates analyses were performed;

c. Who performed the analyses;

d. The analytical techniques or methods used; and

e. The results of the analyses.

2. Any industrial user or POTW subject to these reporting requirements established shall be required to retain for a minimum of three (3) years any records of monitoring activities and results, whether or not such monitoring activities are required by this section, and shall make such records available for inspection and copying by the director, and by the POTW in the case of an industrial user. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director.

3. A POTW to which reports are submitted by an industrial user pursuant to paragraphs (b), (d), and (e) of this subsection shall retain such reports for a minimum of three (3) years and shall make such reports available for inspection and copying by the director. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the director.

(11) Confidentiality. Any information submitted to the director in accordance with this section may be claimed confidential, as provided in 401 KAR 5:060, Section 2, except that effluent data provided to the director pursuant to this section shall be available to the public without restriction.

(12) Net/gross limitations. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in an industrial user's intake water in accordance with 40 CFR 403.15. 40 CFR 403.15 is hereby incorporated by reference, revised as of July 1, 1982, as published by the Office of the Federal

Register, National Archives and Register Service, General Services Administration, and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(13) Upset provision.

(a) Definition. "Upset" as used in this subsection means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c) of this subsection are met.

(c) Conditions necessary for a demonstration of upset. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the industrial user can identify the specific cause of the upset;

2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

3. The industrial user has submitted the following information to the POTW and control authority within twenty-four (24) hours of becoming aware of the upset or if this information is provided orally, a written submission within five (5) days:

a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) Burden of proof. In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, cabinet enforcement personnel will review any claims that noncompliance was caused by an upset. No determinations made in the course of the review constitutes final agency action subject to judicial review under KRS 224.081(2). Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) User responsibility in case of upset. The industrial user shall control production or discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary

source of power of the treatment facility is reduced, lost or fails.

Section 10. Date of Applicability. The provisions of this regulation shall become effective upon the date of program approval.

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: December 14, 1984

FILED WITH LRC: December 14, 1984 at 10 a.m.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Environmental Protection
Division of Air Pollution
Amended After Hearing

401 KAR 50:015. Documents incorporated by reference.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS [13.082,] 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the incorporation by reference of documents referred to within these regulations.

Section 1. Code of Federal Regulations. (1) The following documents from the "Code of Federal Regulations" which are in effect as of October 15, 1984 [at the time of the effective date of this regulation], are incorporated herein by reference:

(a) 40 CFR 50:

1. Appendix A: Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

2. Appendix B: Reference Method for the Determination of Suspended Particulates in the Atmosphere (High Volume Method).

3. Appendix C: Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry).

4. Appendix D: Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

5. Appendix E: Reference Method for the Determination of Hydrocarbons Corrected for Methane.

6. Appendix F: Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

7. Appendix G: Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

8. Appendix H: Interpretation of the National Ambient Air Quality Standards for Ozone.

(b) 40 CFR 58: Appendix B: Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

(c) 40 CFR 60:

1. Appendix A: Reference Methods:

a. Method 1 - Sample and Velocity Traverses for Stationary Sources.

b. Method 2 - Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube).

c. Method 2A - Direct Measurement of Gas

Volume through Pipes and Small Ducts.

d. Method 2B - Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators.

e. Method 3 - Gas Analysis for Carbon Dioxide, Excess Air, and Dry Molecular Weight.

f. Method 4 - Determination of Moisture Content in Stack Gases.

g. Method 5 - Determination of Particulate Emissions from Stationary Sources.

h. Method 5A - Determination of Particulate Emissions from the Asphalt Processing and Asphalt Roofing Industry.

i. Method 6 - Determination of Sulfur Dioxide Emissions from Stationary Sources.

j. Method 6A - Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide Emissions from Fossil Fuel Combustion Sources.

k. Method 6B - Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions from Fossil Fuel Combustion Sources.

l. Method 7 - Determination of Nitrogen Oxide Emissions from Stationary Sources.

m. Method 7A - Determination of Nitrogen Oxide Emissions from Stationary Sources.

n. [m.] Method 8 - Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources.

o. [n.] Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources.

p. [o.] Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources.

q. [p.] Method 11 - Determination of Hydrogen Sulfide Content of Fuel Gas Streams in Petroleum Refineries.

r. [q.] Method 12 - Determination of Inorganic Lead Emissions from Stationary Sources.

s. [r.] Method 13A - Determination of Total Fluoride Emissions from Stationary Sources - SPADNS Zirconium Lake Method.

t. [s.] Method 13B - Determination of Total Fluoride Emissions from Stationary Sources - Specific Ion Electrode Method.

u. [t.] Method 14 - Determination of Fluoride Emissions from Potroom Roof Monitors of Primary Aluminum Plants.

v. [u.] Method 15 - Determination of Hydrogen Sulfide, Carbonyl Sulfide, and Carbon Disulfide Emissions from Stationary Sources.

w. [v.] Method 16 - Semicontinuous Determination of Sulfur Emissions from Stationary Sources.

x. [w.] Method 17 - Determination of Particulate Emissions from Stationary Sources (Instack Filtration Method).

y. Method 18 - Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.

z. [x.] Method 19 - Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates from Electric Utility Steam Generators.

aa. [y.] Method 20 - Determination of Nitrogen Oxides, Sulfur Dioxide, and Oxygen Emissions from Stationary Gas Turbines.

bb. [z.] Method 21 - Determination of Volatile Organic Compounds Leaks.

cc. [aa.] Method 22 - Visual Determination of Fugitive Emissions from Material Processing Sources.

dd. [bb.] Method 24 - Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings.

ee. [cc.] Method 24A - Determination of

Volatile Matter Content and Density of Printing Inks and Related Coatings.

ff. [dd.] Method 25 - Determination of Total Gaseous Nonmethane Organic Emissions as Carbon.

gg. [ee.] Method 25A - Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer.

hh. [ff.] Method 25B - Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer.

ii. [gg.] Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test.

2. Appendix B: Performance Specifications:

a. Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

b. Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

c. Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

d. Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

(d) 40 CFR 61.

1. Appendix B: Test Methods:

a. Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants (air streams).

b. Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

c. Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants (hydrogen streams).

d. Method 103 - Beryllium screening method.

e. Method 104 - Reference method for determination of beryllium emissions from stationary sources.

f. Method 105 - Method for determination of mercury in wastewater treatment plant sewage sludges.

g. Method 106 - Determination of vinyl chloride from stationary sources.

h. Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

i. Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

2. Appendix C: Quality Assurance Procedures:

a. Procedure 1 - Determination of adequate chromatographic peak resolution.

b. Procedure 2 - Procedures for field auditing GC analysis.

(2) Copies may be obtained from: Office of the Federal Register, National Archives and Records Service, 8th and Pennsylvania Avenue, NW, Washington, D.C. 20408; Phone (202) 523-5215.

Section 2. Association of Official Analytical Chemists. The following document from the Association of Official Analytical Chemists is incorporated herein by reference:

(1) Method 9 - Spectrophotometric

Molybdovanadophosphate from "Official Method of Analysis" of the Association of Official Analytical Chemists, 11th Edition.

(2) Copies may be obtained from: Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20014; Phone (202) 245-1191.

Section 3. American Society for Testing and Materials. The following documents from the appropriate [annual] "Book of ASTM Standards" in which the standard appears from the American Society for Testing and Materials are incorporated herein by reference:

(1) ASTM Standards:

(a) A 99-66(71) Standard Specification for Ferromanganese.

(b) A 100-69(74) Standard Specification for Ferrosilicon.

(c) A 101-73 Standard Specification for Ferrochromium.

(d) A 482-66(71) Standard Specification for Ferrochrome-Silicon.

(e) A 483-64(74) Standard Specification for Silicomanganese.

(f) A 495-64(70) Standard Specification for Calcium-Silicon and Calcium-Manganese-Silicon.

(g) D 86-82 Standard Method for distillation of Petroleum Products.

(h) [(g)] D 240-76 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.

(i) [(h)] D 322-67(77) Standard Test Method for Gasoline Diluent in Used Gasoline Engine Oils by Distillation.

(j) [(i)] D 388-66(72) Standard Specification for Classification of Coals by Rank.

(k) D 737-75 Standard Test Method for Air Permeability of Textile Fabrics.

(l) [(j)] D 1072-56(75) Standard Test Method for Total Sulfur in Fuel Gases.

(m) [(k)] D 1137-53(75) Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer.

(n) [(l)] D 1475-60(80) [(74)] Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products.

(o) [(m)] D 1644-75 Standard Test Methods for Nonvolatile Content of Varnishes.

(p) [(n)] D 1826-64(75) Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter.

(q) [(o)] D 1945-64(73) Standard Method for Analysis of Natural Gas by Gas Chromatography.

(r) [(p)] D 1946-67(72) Standard Method for Analysis of Reformed Gas by Gas Chromatography.

(s) [(q)] D 2015-66(72) Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter.

(t) D 2267-83 Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography.

(u) [(r)] D 2369-73 Standard Test Method for Volatile Content of Paints.

(v) D 2382-83 Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method).

(w) D 2504-83 Standard Test Method for Noncondensable Gases in C₃ and Lighter Hydrocarbon Products by Gas Chromatography.

(x) [(s)] D 2880-78 Standard Specification for Gas Turbine Fuel Oils.

(y) D 2879-83 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial

Decomposition Temperatures of Liquids by Isoteniscope.

(z) [(t)] D 3176-74 Standard Method for Ultimate Analysis of Coal and Coke.

(aa) [(u)] D 3178-73 Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke.

(bb) [(v)] E 123-78 Standard Specification for Apparatus for Determination of Water by Distillation.

(cc) E 168-67(77) Standard Recommended Practices for General Techniques of Infrared Quantitative Analysis.

(dd) E 169-63(81) Standard Recommended Practices for General Techniques of Ultraviolet Quantitative Analysis.

(ee) E 260-73 Standard Recommended Practice for General Gas Chromatography Procedures.

(2) Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; Phone (215) 299-5400.

Section 4. Technical Association of the Pulp and Paper Industry. The following document from the Technical Association of the Pulp and Paper Industry (TAPPI) is incorporated herein by reference:

(1) T624 os-68 - Analysis of Soda and Sulfate - White and Green Liquors. This reference is also numbered ANSI P3.6-1970 (American National Standards Institute).

(2) Copies may be obtained from: TAPPI, 1 Dunwood Park, Atlanta, Georgia 30341.

Section 5. EPA. The following documents from the U. S. EPA are incorporated herein by reference:

(1) (a) Guideline on Air Quality Models, EPA-450/2-78-027, OAQPS No. 1.2-080, April, 1978.

(b) Workbook for Comparison of Air Quality Models, EPA-450/2-78-028a, OAQPS No. 1.2-097, May, 1978.

(c) Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment, Appendix B, EPA-450/2-78-036, OAQPS No. 1.2-111, June, 1978.

(d) Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Control Systems, EPA-450/2-78-051, OAQPS No. 1.2-119, December, 1978.

(e) Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals, EPA-450/2-77-026, OAQPS No. 1.2-082, October, 1977.

(f) Guidelines for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height, EPA 450/4-81-003, PB 82-145327, July, 1981.

(g) Guidelines for Fluid Modeling of Atmospheric Diffusion, EPA-600/8-81-009, PB 81-201410, April, 1981.

(2) Copies may be obtained from: U. S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 and the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia 22161.

Section 6. American Association of State Highway and Transportation Officials. The following document from the American Association of State Highway and Transportation Officials (AASHTO) is incorporated herein by reference:

(1) AASHTO T 59-78 Standard Method of Test for Testing Emulsified Asphalt.

(2) Copies may be obtained from: American Association of State Highway and Transportation Officials, 444 N. Capitol Avenue, Washington, D.C. 20001.

Section 7. Federal Test Method Standard. The following document from the Federal Test Standard is incorporated herein by reference:

(1) Federal Test Method Standard No. 141a, Method 4082.1, "Water in Paints and Varnishes (Karl Fischer Titration Method)."

(2) Single copies may be obtained from:

(a) General Services Administration Regional Offices; or

(b) Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

Section 8. Kentucky Division of Air Pollution. The following documents from the Kentucky Division of Air Pollution are incorporated herein by reference:

(1) (a) Kentucky Method 50: Kentucky Division of Air Pollution Control Reference Method 50, "Determination of Total Particulate Emissions from Stationary Sources."

(b) Kentucky Method 90: Kentucky Division of Air Pollution Control Reference Method 90, "Determination of Total Gaseous Organic Emissions from Stationary Sources."

(c) Kentucky Method 91: Kentucky Division of Air Pollution Control Reference Method 91, "Alternate Test Method for the Determination of Total Gaseous Organic Emissions from Stationary Sources."

(d) Kentucky Method 95: Kentucky Division of Air Pollution Control Reference Method 95, "Determination of Gasoline Vapor Emissions from Bulk Terminals."

(e) Kentucky Method 130: Kentucky Division of Air Pollution Control Reference Method 130, "Determination of Gaseous Fluoride Emissions from Stationary Sources."

(2) Copies may be obtained from: Division of Air Pollution [Control], Technical Services, Department for [Natural Resources and] Environmental Protection, Fort Boone Plaza, 18 Reilly Road, [5th Floor, Capital Plaza Tower,] Frankfort, Kentucky 40601.

Section 9. American National Standards Institute. The following document from the American National Standards Institute is incorporated herein by reference:

(1) Voluntary Product Standard PS 59-73 - Prefinished Hardboard Paneling. This reference is also numbered ANSI A135.5-1973 (American National Standards Institute).

(2) Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, New York 10018.

Section 10. American Public Health Association. The following document from the American Public Health Association, American Water Works Association and Water Pollution Control Federation is incorporated herein by reference:

(1) Method 209B from Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980.

(2) Copies may be obtained from: American Public Health Association, 1015 Fifteenth

Street, N.W., Washington, D.C. 20005.

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 12, 1984 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission
Division of Utility Engineers and Services
Amended After Hearing

807 KAR 5:006. General rules.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS [13.082,] 278.280(2)

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, gas, water, sewage and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of the utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definitions. In addition to the definitions as set out in KRS 278.010, the following definitions shall be used in interpreting the commission's regulations:

(1) "Commission" means the Public Service Commission.

(2) "Utility" means an energy utility as defined in KRS 278.010(3) [(4) or a combined energy-non-energy utility as provided in KRS 278.040(2)].

[(3) "Combined energy-non-energy utility" means a utility which is an energy utility that also renders service as a non-energy utility as provided in KRS 278.040(2).]

[(3) [(4)] "Customer" means any person, firm, corporation or body politic supplied service by any electric, gas or combined energy-non-energy utility.

Section 3. Reports. (1) Financial and statistical reports. Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time

for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the uniform system of accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him or her at his or her location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission on proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read

direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant, where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly. The utility may require an equal deposit from all applicants for the same class of service. If the utility retains a residential deposit for more than eighteen (18) months, it shall advise the customer that the deposit will be recalculated based on actual usage upon the customer's request. The notice of deposit recalculation shall state that if the deposit on account differs by more than ten (10) dollars from the deposit calculated on actual usage, then the utility shall refund any over collection and may collect any underpayment. Refunds may be made by check or by credit to the customer's bill. [The utility may require an equal deposit from all applicants for the same class of service. If the utility retains a deposit for more than eighteen (18) months, it shall determine the actual annual bill of the customer. If the deposit differs by more than ten (10) dollars from the deposit which would be required based on the calculations above using the actual annual bill, the utility shall refund any excess and may collect any underpayment. No additional adjustment to the deposit may be made unless the customer's class of service changes.]

(2) Notification of a customer's right to a deposit recalculation shall be made at least once annually. The notice may be made by means of a general mailing (or bill stuffer) to all customers which specifies the above conditions.

(3) [(2)] The refund provisions contained in subsection (1) of this section notwithstanding, a utility shall not be required to refund any excess deposit if the customer's bill is delinquent by more than one (1) billing period at the time of recalculation.

(4) [(3)] [(2)] The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit. If a residential deposit is recalculated in accordance with the above provisions, the customer shall return the original certificate

of deposit to the utility in return for a new, accurate certificate.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof. Such records shall be maintained for five (5) years from the date of the resolution of the complaint.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two (2) percent fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two (2) percent fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (1/2) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two (2) percent slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (1/2) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two (2) percent fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has passed [overrun] the refund shall be for the twelve (12) months specified in subsection (2) of this section plus the time [to the extent that one-half (1/2) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months] exceeding the periodic test period; provided, however, that the commission may relieve the utility from this

requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall establish procedures, to be included in its rules and regulations, to monitor customers' usage and shall file the procedures with the Commission for review. The procedures shall be designed to draw the utility's attention to unusual deviations in a customer's usage and shall provide for reasonable means by which the utility may determine the reasons for the unusual deviation. If a customer's usage is unduly high and the deviation is not otherwise explained, the utility shall test the customer's meter in accordance with subsections (2), (3) or (5) of this section. [Each utility shall make a reasonable attempt to determine whether there is an unusual deviation in a customer's consumption [if the amount of consumption for the current billing period for each customer is unduly excessive]. If such a deviation is found and the cause of the deviation cannot be determined [a comparison of consumption indicates a necessity therefor], a test of the customer's meter shall be made, and if the meter registers more than two (2) percent incorrectly [is found to register incorrectly to the customer's prejudice more than two (2) percent], the utility shall recalculate the customer's bills in accordance with subsections (2), (3) or (5) of this section [the foregoing provisions]. Should the utility determine that a customer's usage is unduly high, as defined in a tariff approved by the commission, the utility shall make a reasonable attempt to promptly notify the customer in writing. In those instances in which the seriousness of the situation requires more immediate notice, the utility shall notify the customer by the most expedient means available. If a premises visit is required, the customer must be notified, either before or after the visit, of the visit and the reason for it.]

(7) In instances in which the utility's procedure for monitoring usage indicates that an investigation of a customer's usage is necessary, the utility shall notify the customer either during or after the investigation of the reasons for the investigation, and of the findings of the investigation. In those instances where knowledge of a serious situation requires more immediate notice, the utility shall notify the customer by the most expedient means available.

(8) [(7)] When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On _____, 19____, the meter bearing identification No. _____ installed in your building located at _____ (Street and Number) in _____ (City) was tested at _____ and found to _____ (on premises or elsewhere) register _____ The meter _____ (Percent fast or slow)

was tested on _____ (Periodic, Request, Complaint) test.

Based upon this we herewith _____ (Charge or Credit) you with the sum of \$_____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) working days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) of this section, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections; and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with the utility's or commission's [its] rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least ten (10) days written notice of such intention, delivered to an adult member of his or her household or mailed to his or her [mailed to his] last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refused, provided that the utility notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property, the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days' written notice of such intention.

(d) Except as provided in subsection (2) of this section, a utility shall not be required to furnish service to any applicant when such applicant is indebted to the utility for service furnished until such applicant shall have paid

such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) A gas or electric utility may discontinue service under the following conditions:

(a) For nonpayment of bills - ten (10) day notice. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten (10) days' written notice, but the cut-off shall not be effected before twenty-seven (27) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the utility office, payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs, providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Service shall not be discontinued when the customer and the utility have reached agreement on a partial payment plan pursuant to subparagraph 1 of this paragraph [paragraph (b) herein] and the customer is meeting the requirements of the plan. The written notice for any discontinuance of service shall advise the customer of his or her rights under this paragraph, sub-paragraph 1 and sub-paragraph 2 of this paragraph [paragraphs (a) and (b) herein] and of his or her right to dispute the reasons for such discontinuance.

1. [(b)] Employee available to answer consumer questions and negotiate partial payment plan.

a. Every gas and electric utility [subject to the jurisdiction of the commission] shall have an employee available [during regular working hours] to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Utilities shall keep the designated employee informed of the commission's regulations regarding customer bills. If a customer indicates to any utility personnel that [they are] he or she is experiencing difficulty in meeting [their] a current utility bill, that employee shall [explain to the customer his or her rights under this paragraph, this subparagraph and subparagraph 2 of this paragraph. Such employee] be able to refer the customer to the designated employee for explanation of the customer's rights under this paragraph and 807 KAR 5:008. The designated employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his or her financial obligations to the utility. Said

employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. Each gas and electric utility shall also prominently display in each office in which payment is received a summary of the customer's rights under this section and 807 KAR 5:008.

b. Each utility shall maintain a telephone, shall publish the telephone number in all service areas, and shall make the necessary provisions so that all customers may contact the utility employee without charge. Such provisions may include a policy allowing customers to make collect calls to the utility.

c. Each Class A or B utility (as defined by the Uniform System of Accounts) shall have at least one (1) employee available to answer consumer questions and negotiate partial payment plans at the utility's office during the utility's established working hours but not less than seven (7) hours per day, five (5) days per week excluding holidays.

d. Each Class C or D utility (as defined by the Uniform System of Accounts) shall have an employee available to answer consumer questions and negotiate partial payment plans at the utility's office during the utility's established office hours but not less than seven (7) hours per day, one (1) day per week.

2. [(c)] Certificate of need from Department for Social Insurance. Federal and statewide energy, assistance programs are administered by the Kentucky Cabinet for Human Resources, Department for Social Insurance. Upon written certification from one (1) of its offices a customer who is eligible for energy assistance under the Department's guidelines or is certified as being in genuine financial need, defined as any household with gross income at or below 130 percent of the poverty level, and who has been issued a ten (10) day notice between December 1 and March 1 for nonpayment of a gas or electric bill [given a ten (10) day notice for nonpayment of a gas or electric bill rendered between December 1 and March 1,] and who presents such notice to the Department for Social Insurance, shall be allowed thirty (30) days in addition to such ten (10) day period in which to negotiate a partial payment plan with the utility provided such certification is delivered to the utility during the initial ten (10) day notice period by the applicant in person, by his or her agent, by mail, or by a telephone call from an employee of the Department for Social Insurance. The thirty (30) day period shall begin to run at the end of the tenth day of the ten (10) day period. When the customer exhibits good faith by offering to make a present payment commensurate with his or her ability to do so and by agreeing to a repayment schedule which would permit the customer to become current in the payment of his or her gas or electric bill as soon as possible but not later than October 15 [August 1], the utility shall accept such partial payment plan. In addition to advising the customer of his or her rights under this paragraph, subparagraph 1 of this paragraph and this subparagraph [paragraphs (a) and (b) of this subsection], as required by paragraph (a) of this paragraph [above], the ten (10) day notice or a bill insert sent with the ten (1) day notice shall inform the customer of the telephone number and address of the nearest

office of the Kentucky Cabinet for Human Resources, Department for Social Insurance. [Information as to such limits may be obtained from the Department for Social Insurance.] Referral of such customer to such office of the department may be made by a church, by a charitable or social organization, by a unit of state or local government, or by any other person.

3. [(d)] Budget payment plan. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plan. If the commission finds, upon application, a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

(b) [(e)] For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) A water, sewage or telephone utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least forty-eight (48) hours written notice, but the cut-off shall not be effected before twenty (20) days after the mailing date of the original bill. Such termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten (10) days elapse from the time of the utility's notification.

(b) For fraudulent or illegal use of service. When the utility has discovered evidence that by

fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(4) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspections. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(5) Reconnection. For all cases of refusal or discontinuance of service as herein defined, except as provided in 807 KAR 5:008, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(6) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for nonpayment of bills or for violation of the utility's or commission's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly within reasonable classifications throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and water utilities furnishing metered service shall provide meter standards and test facilities, as more specifically set out under 807 KAR 5:021, 807 KAR 5:041 and 807 KAR 5:066.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the

commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the commission's Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and water utility or agency doing meter testing for a utility shall have in its employ meter testers [metermen] certified by this commission. These certified meter testers [metermen] shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as meter testers [metermen] shall submit the names of applicants on the commission's form entitled "Application for Appointment of Meter Testers [Metermen]" and after compliance with the requirements [as] noted in this form, the applicant may be certified as a meter tester [meterman] and furnished with a card authorizing him or her to perform meter tests.

(6) A utility or agency may employ apprentices in training for certification as meter testers. The apprentice period shall be a minimum of six (6) months. All tests performed during this period by an apprentice shall be witnessed by a certified meter tester.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him or her to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him or her as an employee of the utility, or carry a badge or other identification which will identify him or her as an employee of the utility, the same to be shown by him or her upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meter tester [meterman]. Such record shall include: Information to identify the unit and its location; the date of tests; the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The record of the prior periodic test of each meter shall be maintained for at least ninety (90) days after the current test has been made or until a refund or billing has been made

or it is determined that a refund or billing is not to be made in accordance with Section 9 of this regulation. [The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.]

(2) [(a)] History [cards]. Each utility shall keep numerically arranged and properly classified [card] records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These [card] records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The [card] records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

[(b) When the records required above are kept in a readily available form posting to the history card is not necessary.]

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within a built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utilities' structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps

of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

- (a) Operating districts.
- (b) Rate districts.
- (c) Communities served.
- (d) Location and size of transmission lines, distribution lines and service connections.
- (e) Location and layout of all principal items of plant.
- (f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two (2) percent fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two (2) percent fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two (2) percent fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	\$ 6 [2]
Over 30 to 100	<u>12</u> [4]
Each additional 50 amperes or factor thereof	3 [1]

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and under	\$ 6 [2]
Over 5 to 25	<u>12</u> [4]
Over 25 to 100	<u>24</u> [8]
Over 100 to 500	<u>48</u> [16]

Plus one-half (1/2) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1,000 cu. ft. per hour and under	\$12 [4]
Over 1,000 to 10,000	<u>24</u> [8]
Over 10,000 to 100,000	<u>36</u> [12]

Plus one-half (1/2) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	\$12 [4]
Outlet over 1 inch to 2 inches	<u>18</u> [6]
Outlet over 2 inch to 3 inches	<u>24</u> [8]
Outlet over 3 inch to 4 inches	<u>30</u> [10]

Plus one-half (1/2) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Production facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater; examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors, and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).

(d) Other facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.

2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer, [1.] all portions of the system (including those listed above) which are the subject of the report.

(f) [2.] Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended by the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for certain inspections provided for in [Department of Transportation,] 49 CFR Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified and for certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including

vaults.

3. The curb box on service line shall be inspected for accessibility.

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment under the control of the utility inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) At intervals not to exceed the periodic meter test intervals [of meter change]: the curb box and valve on the service line shall be inspected for operable condition.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer, [1.] all portions of the system (including those listed above) which are the subject of the report.

(f) [2.] Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(5) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation, annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer, [1.] all portions of the system (including those listed above) which are the subject of the report.

(c) [2.] Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(6) (a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less

frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety - Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions - At least annually.

3. Station equipment and connections: Inspection for external electrical hazards, damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring - When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes - At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards - At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer, [1.] all portions of the system

(including those listed above) which are the subject of the report.

(c) [2.] Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Reporting of Accidents. Each utility shall notify the commission of any utility related accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph. Natural gas utilities shall report accidents in accordance with the provisions of 807 KAR 5:027.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD D. HEMAN, JR., Chairman

MELVIN WILSON, Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 12, 1984 at 9 a.m.

PROPOSED AMENDMENTS

HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 5:020. Definitions.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

PURSUANT TO: KRS ~~13A.100~~ [13.082], 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority (KHEAA) administers grant programs to provide financial assistance to students to attend Kentucky Educational Institutions. This regulation sets forth the definitions of acronyms, words and phrases used most in the administration of KHEAA grant programs.

Section 1. Definitions. (1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters, or 900 clock hours of instruction.

(2) "Administrative agreement" means an agreement between the authority and an "eligible institution," as defined in KRS 164.740(6), which prescribes the terms and conditions of institutional participation in the KHEAA grant programs.

(3) [(2)] "Application" means Kentucky Financial Aid Form, a copy of which is herein filed by reference. This form is available from Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

(4) [(3)] "Authority" means the Kentucky Higher Education Assistance Authority.

(5) "Available income" or "(AI)" means a student's estimated nine (9) month earnings minus the sum of state, local and federal taxes and F.I.C.A.

(6) "Award determination table" means a table(s) of amounts to be awarded as KHEAA grants, adopted by the authority pursuant to KRS 164.753(4)(a).

[(4) "Basic grant" means an award under the Basic Educational Opportunity Grant Program operated by the United States Government under the provision of PL Number 94-482.]

[(5) "Business school" means a proprietary institution of higher education incorporated in Kentucky which:]

[(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;]

[(b) Is legally authorized by the State Board for Proprietary Education under the provisions of KRS 165A.310 to 165A.370 to provide a program of education beyond secondary education;]

[(c) Pursuant to KRS 164.740(3) is accredited by the Association of Independent Colleges and Schools, Accreditation Commission, which is the successor to the Commission for Business Schools;]

[(d) Is not a public or other nonprofit institution; and

[(e) Has been in existence for at least two (2) years.]

(7) [(6)] "Clock hour" means a period of time which is the equivalent of a fifty (50) to sixty (60) minute class, lecture or recitation, or a fifty (50) to sixty (60) minute period of faculty-supervised laboratory, shop training, or internship.

(8) [(7)] "Degree" means the earned academic title or designation, mark, appellation or series of letters or words which signify satisfactory completion of the requirements of an educational program of undergraduate study beyond the secondary school level and which leads to an associate or bachelor's degree at the institution at which the student is enrolled.

(9) [(8)] "Dependent student" means a KHEAA grant applicant who answers "yes" for any of the years specified on the application to any questions relating to living with parents more than the specified number of weeks each year, listing as a tax exemption on the Parents'

United States income tax return, or receipt of financial assistance from parents.

(10) [(9)] "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses, and reasonable transportation costs for the academic period of the grant application.

[(10)] "Eligible course of study" means a program offered by an educational institution which:]

[(a)] Is of at least two (2) academic years duration; and]

[(b)] Leads to a degree in a field other than theology, divinity, or religious education at the institution at which the student is enrolled.]

(11) "Educational institution" means an institution located in Kentucky which:

(a) Offers an eligible course of study; [which is not comprised solely of sectarian instruction, and which]

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an Administrative Agreement with the authority; and [is:]

(d) [(a)] For purposes of the State Student Incentive Grant Program, a [An accredited public or other nonprofit] business school, college, [university,] school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively; or [which enrolls as regular students only those persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and who have the ability to benefit from the training offered by the institution;]

[(b)] A business school; or]

[(c)] A vocational technical school accredited by the National Association of Trade and Technical Schools which enrolls as regular students only those persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate.]

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(12) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity, or religious education at the institution at which the student is enrolled.

(13) [(12)] "Executive director" means the chief administrative officer appointed by the authority.

(14) [(13)] "Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence,

measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(15) "Home Maintenance Allowance" or "(HMA)" means, for a self-supporting student with dependents (spouse and/or children), an amount to be subtracted from the student's and/or spouse's total financial resources to arrive at the Total Expected Family Contribution (TEFC). The HMA table is based on the Cabinet for Human Resources, Department for Social Insurance, maximum income scale for Aid to Families with Dependent Children (AFDC) eligibility.

[(14)] "Independent student" means a KHEAA grant applicant who answers "no" to all questions relating to living with parents more than the specified number of weeks each year, listing as a tax exemption on parents' United States income tax return and receipt of financial assistance from parents.]

(16) "KHEAA grant" means an award from either or both the State Student Incentive Grant and Kentucky Tuition Grant programs.

(17) [(15)] "KHEAA Grant Program Officer" or "(KGPO)" means the official designated on the Administrative Agreement [contract], pursuant to KRS 164.748(5), to serve as the Authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

(18) [(16)] "Overaward" means provision through any and all sources of financial assistance to meet Educational Expenses in excess of a student's need.

(19) "Parent" means a student's natural or adoptive mother or father, or a legal guardian appointed by a court who is specifically required by the court to use his or her own resources to support the student.

(20) [(17)] "Parental Contribution" or "(PC)" means the amount the Parents [or others in loco parentis] of a Dependent Student can reasonably be expected to contribute toward meeting the student's Educational Expenses. PC is determined for KHEAA grant programs by application of the uniform methodology of need analysis [assessment] to the data entered on the application. For purposes of computing PC the rules delineated in 34 CFR 690.33(b)(1), (c), (d), (e), and (f) in effect on October 1, 1984 shall be applied.

(21) "Pell Grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 USC 1070a.

(22) [(18)] "Resident of Kentucky" or "Resident" means a person who is classified as an in-state student in accordance with the "Policy on Classification of Students for Fee Assessment Purposes at State-Supported

Institutions of Higher Education" as adopted and from time to time amended by the Council on Higher Education.

(23) "Self-Supporting Student" means a KHEAA grant applicant who answers "no" to all questions relating to living with parents more than the specified number of weeks each year, listing as a tax exemption on Parents' United States Income tax return and receipt of financial assistance from parents.

(24) "Student Contribution" or "(SC)" means, for a Dependent, or a Self-Supporting Student (who neither has dependents nor is dependent on any other individual), the amount that can reasonably be expected as a contribution toward meeting the KHEAA grant applicant's Educational Expenses from the sum of the applicant's Academic Year:

(a) Untaxed income.

(b) Assets, and

(c) Available Income minus a Work Incentive Allowance (WIA).

(25) For a Self-supporting Student with dependents, SC means the amount that can reasonably be expected as a contribution toward meeting the KHEAA grant applicant's Educational Expenses from the sum of the student's and/or spouse's Academic Year:

(a) Untaxed income.

(b) Assets, and

(c) Available Income minus a Home Maintenance Allowance (HMA).

[(19)] "Student Contribution (SC)" means the amount the student and/or spouse can reasonably be expected to contribute toward meeting the applicant's educational expenses. The SC is determined for KHEAA grant programs by application of the uniform methodology of need analysis assessment to the data entered on the application.]

(26) [(20)] "Student Aid [eligibility] Index [SEI]" or "(SAI)" means the expected family contribution computed by the United States Office of Education or its contractor from the data on the Application for a Pell [basic] Grant.

(27) [(21)] "Total Cost of Education" or "(TCE)" for an Academic Year means an amount determined for each applicant by the following formula: normal tuition and fees for a Full-Time Student at the institution chosen by the applicant plus maximum board contract amount plus minimum room contract amount. For institutions which do not have room and board charges, a maintenance allowance of \$1,100 [\$900] for the year or \$550 [\$450] for a semester or such other allowances as may be agreed to between the Authority and any Educational Institution will be allowed.

(28) "Total Expected Family Contribution" or "(TEFC)" means:

(a) For a Dependent Student, the sum of the expected Parental Contribution (PC) and expected Student Contribution (SC), or

(b) For self-Supporting Students the TEFC is the expected Student Contribution (SC).

(29) "Work Incentive Allowance" or "(WIA)" means an amount determined annually by KHEAA to be deducted from a Dependent Student's or a Self-Supporting Student's (who neither has dependents nor is dependent on any other individual) Available Income.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: October 23, 1984

FILED WITH LRC: December 14, 1984 at 12 Noon
PUBLIC HEARING SCHEDULED: A public hearing regarding this regulation is scheduled to be held at 1050 U.S. 127 South, Frankfort, Kentucky, on Thursday, January 24, 1985, at 10 a.m. Any interested persons wishing to comment or attend the hearing pursuant to KRS Chapter 13A must submit their written comments or statement of intent to attend to: The Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Frankfort, Kentucky 40601, no later than Friday, January 18, 1985. Absent such response from the public, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard F. Casey

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: Amendment defines commonly used acronyms, words and phrases used in program administration, and alphabetizes definitions.

Tiering:

Was tiering applied? No. Regulation merely sets out definitions in conformity with federal regulations, state law, and common usage.

HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 5:030. Student eligibility requirements.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

PURSUANT TO: KRS 13A.100 [13.082], 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth eligibility requirements for KHEAA Grant programs. Capitalized acronyms, words, and phrases have the meaning assigned to them in 11 KAR 5:020.

Section 1. Eligibility of Students. In order to qualify for a KHEAA grant, a student shall:

(1) Be a resident of the Commonwealth of Kentucky;

(2) Be enrolled as a full-time student in an eligible course of study;

(3) Be enrolled in an undergraduate program at an educational institution and not have previously earned a first baccalaureate or professional degree [at any institution];

(4) Have established financial need for the KHEAA grant program assistance pursuant to 11 KAR 5:050 and 11 KAR 5:060; [.]

(5) Have remaining eligibility. A student enrolled in a two (2) year institution shall be limited to four (4) semesters or six (6) quarters of grant eligibility. A student enrolled in a four (4) year institution shall be limited to eight (8) semesters or twelve (12) quarters of KHEAA grant program eligibility. An exception may be granted by the executive director if the bachelor's program leads to a first degree and is designed to be completed in a ten (10) semester period, in which case the eligibility may be extended for cause by the executive director to ten (10) semesters. A student enrolled in an eligible course of study of a duration not otherwise covered by this regulation shall have the same number of semesters or quarters of KHEAA grant program eligibility as are normally required for a student to complete that eligible course of study;

(6) Not receive financial assistance to meet educational expenses in excess of need;

(7) Maintain satisfactory progress in an eligible course of study according to the published standards and practices of the educational institution at which the student is enrolled; and

(8) Satisfy all financial obligations to the authority and to any educational institution. Ineligibility under this subsection may be waived for cause by the executive director.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: October 23, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing regarding this regulation is scheduled to be held at 1050 U.S. 127 South, Frankfort, Kentucky, on Thursday, January 24, 1985, at 10 a.m. Any interested persons wishing to comment or attend the hearing pursuant to KRS Chapter 13A must submit their written comments or statement of intent to attend to: The Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Frankfort, Kentucky 40601, no later than Friday, January 18, 1985. Absent such response from the public, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard F. Casey

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative

body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no reasonable alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: Amendment incorporates terminology defined in 11 KAR 5:020.

Tiering:

Was tiering applied? No. Concept of tiering is not applicable. All student grant applicants must meet uniform eligibility standards.

HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 5:060. Award determination procedure.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

PURSUANT TO: KRS 13A.100 [13.082], 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky Educational Institutions. This regulation sets forth the award determination procedures for the KHEAA Grant programs. Capitalized acronyms, words, and phrases have the meaning assigned to them in 11 KAR 5:020.

Section 1. State Student Incentive Grant (SSIG) Program eligibility. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 5:030 for SSIG are met. If the applicant is eligible for a SSIG [consideration], the amount of award eligibility shall be determined by reference to the SSIG Award Determination Table for the appropriate academic year or portion thereof. [Awards shall be assigned for dependent students in order of ascending expected parental contribution and for independent students in order of ascending expected student and/or spouse contribution, with applicants having the least expected contribution receiving awards first.] SSIG awards shall be offered to the extent that funds are available.

Section 2. Kentucky Tuition Grant (KTG) Program eligibility. Whether or not the applicant is eligible for a SSIG award, the application shall be reviewed for determination of eligibility for a KTG [Kentucky Tuition Grant Award].

Section 3. KTG Need. (1) For each KTG eligible applicant, the KTG need shall be computed

according to the following formula: KTG need equals Total Cost of Education minus the sum of:

- (a) Expected Pell [Basic] Grant;
 - (b) Total Expected Family [parental] Contribution [for dependent applicants or expected student and/or spouse contribution for independent applicants]; and
 - (c) SSIG.
- (2) Need for one (1) semester shall be determined by dividing by two (2) the results of this formula.

Section 4. KTG award. (1) If an applicant has not received a SSIG award but the KTG need is an amount equal to or greater than \$200, the KTG shall be the lesser of the KTG need or the maximum grant authorized by KRS 164.785(3) provided that KTG awards shall be offered only to the extent funds are available.

(2) If an applicant has received a SSIG award and [that] KTG need is an amount equal to or greater than fifty (50) dollars, the KTG award shall be the lesser of the KTG need or the maximum grant established by the Authority pursuant to [authorized by] KRS 164.785(3) provided that KTG awards shall be offered only to the extent that funds are available.

Section 5. Minimum KHEAA Grant [Award Amount]. The minimum KHEAA Grant awarded to any recipient for a given academic year shall be \$200. Minimum award for a one (1) semester KHEAA Grant shall be \$100.

Section 6. SSIG and/or KTG shall be awarded as a KHEAA Grant.

Section 7. A KHEAA Grant shall not exceed the cost of tuition and fees charged to the student during the academic year of the award. A semester award shall not exceed tuition and fee charges for that semester.

Section 8. The authority may reduce or revoke a KHEAA Grant upon receipt of documentation that the total non-repayable gift assistance from other state funds in combination with the KHEAA Grant exceeds the student's total cost of education.

Section 9. The authority shall reduce or revoke a KHEAA Grant upon receipt of documentation that financial assistance from other sources [other than the authority] in combination with the KHEAA Grant exceeds the institution's financial need determination for that student. The KHEAA Grant Program Officer (KGPO) and the award recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: October 23, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing regarding this regulation is scheduled to be held at 1050 U.S. 127 South, Frankfort, Kentucky, on Thursday, January 24, 1985, at 10 a.m. Any interested persons wishing to comment or attend the hearing pursuant to KRS Chapter 13A must submit their written comments or statement of intent to attend to: The Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Frankfort,

Kentucky 40601, no later than Friday, January 18, 1985. Absent such response from the public, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard F. Casey

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No reasonable alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: This regulation defines operating procedures in prioritizing financial aid awards, in conformity with standards for federal aid programs.

Tiering:

Was tiering applied? No. Concept of tiering is not applicable. All student grant applicants are subject to uniform standards to award grants to students with greatest financial need.

HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 5:085. Requirement of Pell [Basic] Grant application.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

PURSUANT TO: KRS 13A.100 [13.082], 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation provides for cancellation of undisbursed portions of KHEAA grants to students who are potentially eligible for, but who do not apply for, a Pell [basic] grant. Capitalized acronyms, words, and phrases have the meaning assigned to them in 11 KAR 5:020.

Section 1. A KHEAA grant recipient, who, on the basis of information submitted on the KHEAA grant application, is potentially eligible for a Pell [basic] grant must apply for the Pell [basic] grant prior to disbursement of the spring semester portion of the KHEAA grant.

Recipients subject to this regulation will be notified by the authority in advance of cancellation of the undisbursed portion of the KHEAA grant. If within a reasonable time following such notification the student fails to provide documentation of filing for a Pell [basic] grant, [application] the undisbursed portion of the KHEAA grant shall be cancelled.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: October 23, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing regarding this regulation is scheduled to be held at 1050 U.S. 127 South, Frankfort, Kentucky, on Thursday, January 24, 1985, at 10 a.m. Any interested persons wishing to comment or attend the hearing pursuant to KRS Chapter 13A must submit their written comments or statement of intent to attend to: The Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Frankfort, Kentucky 40601, no later than Friday, January 18, 1985. Absent such response from the public, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard F. Casey

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
- (b) Reporting and paperwork requirements: None
- (2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
- (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: Amendment incorporates revised terminology precipitated by changes in federal nomenclature and 11 KAR 5:020.

Tiering:

Was tiering applied? No. Tiering not applicable to this regulation.

KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION

15 KAR 1:010. Qualifications of applicants.

RELATES TO: KRS 164A.060(1),(8)

PURSUANT TO: KRS 13A.100 [13.082] 164A.060(8),
NECESSITY AND FUNCTION: To establish the

Kentucky Higher Education Student Loan Corporation's policies for the making of loans directly to eligible borrowers [by the Kentucky Higher Education Student Loan Corporation]. The Kentucky Higher Education Student Loan Corporation is authorized by statute to finance, make, and purchase loans. The corporation is required to exercise due diligence in the making, servicing, and collecting of such loans. Failure of the corporation to exercise due diligence could result in severe penalties such as limitation, suspension, or termination of participation to continue to make such loans under applicable programs, and the inability to sell its bonds, notes, or other securities in the public market, at reasonable rates, to finance such loans. Adoption of reasonable lending policies is necessary to minimize defaults and other losses of fund assets and to continue its direct lending programs.

Section 1. General Requirements - to qualify for any direct loan, a borrower must meet the following conditions:

(1) Borrower must meet the eligibility criteria of the program for which they are applying.

(2) Borrower must be a resident of the Commonwealth of Kentucky as defined by the Council on Higher Education's policy on the classification of Kentucky residents.

(3) Borrower must have a minimum of two (2) personal references who reside in the Commonwealth of Kentucky and are not attending an educational institution.

(4) Borrower must not have an adverse credit history as evidenced by a credit report from a commercial consumer credit reporting agency [and/] or credit information provided by individual creditors. Exceptions may be made by the Executive Director, or his designee, [of Loan Programs] upon the borrower obtaining a qualified endorser or upon showing of cause. For this purpose, "cause" shall mean circumstances beyond the control of the borrower which resulted in the adverse credit history (including, but not limited to, prolonged unemployment, illness, or casualty).

(5) No Kentucky Higher Education Student Loan Corporation direct loan shall be made which would be ineligible for purchase by the corporation pursuant to 15 KAR 1:020, except that, if such loan is eligible for purchase pursuant to 15 KAR 1:020 from any lender, a direct loan may be made which is endorsed by a surety acceptable to the corporation and disbursed in multiple disbursements in accordance with this regulation and the regulations, policies and procedures of the Kentucky Higher Education Assistance Authority and/or the federal government pertaining to such loans.

Section 2. Guaranteed Student Loans (GSL) - An individual applying for a GSL must meet the following conditions:

(1) The borrower must be unable to obtain a GSL [guaranteed student loan] from a private Kentucky lending institution. The corporation reserves the right to refer applicants to other lending institutions prior to considering the application for a direct loan.

(2) If the borrower is an undergraduate student and the applicable adjusted gross income is \$30,000 or less, the student must apply for and receive a decision concerning eligibility for financial aid through the Pell Grant, Supplemental Grant, College Work-Study and National Direct Loan programs; or, if a graduate student, the borrower must apply for and receive a decision from the school regarding the availability of institutionally administered financial assistance before applying for a Kentucky Higher Education Student Loan Corporation Direct Loan. Such applications and the decision related thereto shall be certified by an authorized institutional official to the Kentucky Higher Education Student Loan Corporation. In lieu thereof, the unavailability of such funds shall be certified by an authorized institutional official.

Section 3. Parent Loans for Undergraduate Students (PLUS) - An individual applying for a direct loan under the PLUS program must meet the following conditions:

(1) For purposes of a parent borrowing under the PLUS program, both the parent and student must be eligible.

(2) Parents borrowing under the PLUS program must be currently employed [in a job they have held for at least one (1) year] and have a minimum of a two [three-] year history of employment. [Exception of this policy may be made by the Director of Loan Programs upon showing of cause.]

(3) Borrower must have a prior record of repaying credit obligations according to terms, or, in lieu thereof, must obtain a qualified endorser.

(4) Borrower's total monthly payment obligation, excluding educational loans, may not exceed fifty (50) percent of his/her net monthly income, or, in lieu thereof, must obtain a qualified endorser.

(5) Borrower's total debts, excluding mortgage and educational loans, may not exceed five (5) times his/her monthly income, or, in lieu thereof, must obtain a qualified endorser.

(6) Borrower's total unsecured debts, excluding educational loans, may not exceed three (3) times his/her monthly income, or, in lieu thereof, must obtain a qualified endorser.

Section 4. Qualified Endorser - For purposes of any direct loan a qualified endorser must:

(1) Be a resident of the Commonwealth of Kentucky;

(2) Be 21 years of age or older;

(3) Be currently employed [in a job for at least one (1) year] and have a minimum of a two [three-] year history of employment [(Exceptions to this policy may be made by the Director of Loan Programs upon showing of cause.)];

(4) Not have an adverse credit history as evidenced by a credit report from a commercial consumer credit reporting agency [and/] or credit information provided by individual creditors;

(5) Have a prior record of repaying credit

obligations according to terms;

(6) Not have total monthly payment obligations that exceed fifty (50) percent of his/her net monthly income.

(7) Not have total debts, excluding mortgage, that exceed five (5) times his/her monthly gross income; and

(8) Not have unsecured debts that exceed three (3) times his/her monthly gross income.

Section 5. Appeal Process. Reconsideration. An adverse action (within the meaning of the Equal Credit Opportunity Act) by the Corporation respecting any direct loan application is subjected to reconsideration upon written request of the borrower. The request must be submitted to: Chairperson, Appeals Committee, KHESLC, 1050 U.S. 127 South, Frankfort, Kentucky 40601, within thirty (30) days following the date of the adverse action notice, and the request shall specify the reasons for reversal of the adverse action. The borrower may submit any and all documentation and information which the borrower reasonably believes supports his/her position, and shall submit such documentation and information as the chairperson reasonably requires.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: November 1, 1984

FILED WITH LRC: December 14, 1984 at 12 Noon

PUBLIC HEARING SCHEDULED: A public hearing regarding this regulation is scheduled to be held at 1050 U.S. 127 South, Frankfort, Kentucky, on Thursday, January 24, 1985, at 10 a.m. Any interested persons wishing to comment or attend the hearing pursuant to KRS Chapter 13A must submit their written comments or statement of intent to attend to: The Executive Director, Kentucky Higher Education Student Loan Corporation, 1050 U.S. 127 South, Frankfort, Kentucky 40601, no later than Friday, January 18, 1985. Absent such response from the public, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard F. Casey

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Nothing additional

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no reasonable alternatives

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in

conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: Regulation simply defines borrower eligibility criteria. Amendment provides exceptions for extraordinary circumstances and specifies a right to appeal.

Tiering:

Was tiering applied? No. All loan applicants are subject to uniform standards of eligibility.

**FINANCE AND ADMINISTRATION CABINET
Kentucky State Board of Medical Licensure
(Proposed Amendment)**

201 KAR 9:021. Medical and osteopathic schools approved by the board; denial or withdrawal of approval; application of KRS 311.271; postgraduate training requirements; approved programs; recognition of degrees.

RELATES TO: KRS 311.530 to 311.620, 311.990, 311.271

PURSUANT TO: KRS 311.565

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish standards for approval of medical and osteopathic schools, colleges and universities in regard to the issuance and renewal of licenses and permits to practice medicine or osteopathy in the Commonwealth. The further purpose of this regulation is to assure that physicians obtain sufficient postgraduate training to enable them to practice with competency within the Commonwealth.

Section 1. Approval Necessary for Licensure. An applicant shall not obtain or retain any license or permit issued by the board unless and until the applicant provides sufficient proof that he or she is a graduate of a medical or osteopathic school, college or university which has been approved by the board. An applicant for limited licensure-institutional practice pursuant to KRS 311.571(4) may, however, be granted such licensure without the board's prior approval of the medical or osteopathic school, college or university upon sufficient proof that the particular school does exist and the applicant is a graduate thereof. No other license or permit issued pursuant to any other statutory or regulatory provision shall be issued unless and until the applicant's medical or osteopathic school, college or university has been fully approved. The school approval requirement will not be excused because information concerning the school is not readily ascertainable.

Section 2. Medical and Osteopathic Schools Located Within the United States or Canada. Unless approval is denied or withdrawn pursuant to Section 4 of this regulation, all medical and osteopathic schools, colleges and universities

located in the United States or Canada are approved in regard to the issuance and renewal of licenses and permits upon written proof that the particular institution is:

(1) Located in the United States, its territories and protectorates and approved/accredited by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association; or

(2) Located in Canada and approved/accredited by the Canadian Medical Association.

Section 3. Medical and Osteopathic Schools Located Outside the United States and Canada. Unless approval is denied or withdrawn pursuant to Section 4 of this regulation, all medical and osteopathic schools located outside the United States and Canada are approved in regard to the issuance and renewal of licenses and permits upon written proof that the particular institution is:

(1) Officially recognized in good standing by the country in which the school, college or university is located;

(2) Registered as a medical school, college or university in either the World Health Organization directory or the World Directory of Medical Schools; and

(3) Possesses a basic course of clinical and classroom medical instruction of not less than thirty-two (32) months in length that is conducted under the direct authority of the medical school, college or university.

Approval of an institution under this section should be considered in conjunction with the other requirements for licensure of graduates of medical schools, colleges and universities located outside the United States and Canada. Approval under this section should not be interpreted as a statement by the board that the particular institution is equivalent to institutions approved pursuant to Section 2 of this regulation.

Section 4. Denial or Withdrawal of Approval. The board, in its discretion, may deny or withdraw approval of any medical or osteopathic school if the particular school, college or university fails to meet the requirements for approval as established in the preceding sections or if, in the board's opinion, the approval of the particular school, college or university would not be in the best interests of the Commonwealth. If approval is denied or withdrawn the board shall issue an order delineating the grounds upon which denial or withdrawal of approval is based.

Section 5. Recognition of Degrees. The board hereby takes notice that there are medical schools located outside the United States and Canada which allow students to satisfy clinical requirements of the medical school's curriculum by performing clinical clerkships in the United States. It is the board's position that such clerkships should be of a character and quality equal to those performed in the United States by students in American medical and osteopathic schools. In order to assure that the clerkships performed in this country by students enrolled in foreign medical schools are to a substantial degree equivalent to the clinical training being received by medical students in this country, the applicant must demonstrate that the

clerkships meet the following standards:

(1) Each clerkship must have been evaluated and approved prior to commencing in accord with the foreign school's established standards for approval of clerkships performed in the United States.

(2) Seventy-five (75) percent of the clerkships performed in the United States must have been performed in hospitals that:

(a) Possess accreditation by the Joint Commission on Accreditation of Hospitals;

(b) Have residencies in the subject area of the clerkship approved by the Accreditation Council on Graduate Medical Education; and

(c) Have affiliation with a medical school located in the United States.

The board will not recognize the degree of any applicant who cannot demonstrate that the clerkships he performed in the United States met the above standards. Licensure will not be granted unless the board recognizes the applicant's degree.

Section 6. [5.] Application of KRS 311.271.

(1) An applicant shall not obtain any license or permit issued by the board unless and until the applicant provides written proof that he or she has been credited with not less than sixty (60) transferable units of study by a college or university accredited by the Southern Association of Colleges and Schools or an accrediting agency recognized by the Southern Association of Colleges and Schools; provided, however, that the executive director may determine the equivalency of premedical or preosteopathic units of study credited by a college or university located outside the United States or Canada on an individual basis.

(2) It is the declared policy of the Commonwealth that a physician, who becomes initially enrolled in a school of medicine or osteopathy after June 13, 1968, should not be authorized to practice medicine or osteopathy in this state unless and until the physician can provide satisfactory evidence that he or she has fulfilled the premedical or preosteopathic undergraduate requirement delineated in subsection (1) of this section. Therefore, the board will not issue any license or permit to an applicant except upon the fulfillment of this requirement.

Section 7. [6.] Hearings. The board, in its discretion, may direct that formal or informal hearings be held in connection with the approval, denial of approval or withdrawal of approval of any medical or osteopathic school, college or university, or in the determination of qualification pursuant to KRS 311.271.

Section 8. [7.] Amount of Postgraduate Training Required. (1) All applicants for regular licensure who are graduates of medical and osteopathic schools located within the United States or Canada shall provide written proof of having completed one (1) full year of postgraduate training approved by the board.

(2) All applicants for regular licensure who are graduates of medical and osteopathic schools located outside the United States and Canada shall provide written proof of having completed three (3) full years of postgraduate training approved by the board.

(3) All applicants for limited

licensure-institutional practice shall provide written proof of having completed one (1) full year of postgraduate training approved by the board.

Section 9. [8.] Postgraduate Training Programs Approved by the Board. (1) All postgraduate training programs in hospitals and institutions located in the United States and approved by the Accreditation Council for Graduate Medical Education (ACGME) are approved by the board in regard to the fulfillment of the postgraduate training requirement for licensure.

(2) All postgraduate training programs in hospitals and institutions located in Canada and approved by the National Joint Committee on Accreditation of Preregistration Physician Training Programs in the United States or Canada are approved by the board in regard to the fulfillment of the postgraduate training requirement for licensure.

(3) All postgraduate training programs in hospitals and institutions located in the United States or Canada and approved by the American Osteopathic Association are approved by the board in regard to the fulfillment of the postgraduate training requirement for licensure.

Section 10. [9.] Fellowship Training in the United States or Canada. The board will consider on an individual basis written proof of satisfactory completion of fellowship training recognized by the board to be of satisfactory quality as substitution for the second or third year of required postgraduate training approved by the board pursuant to this regulation.

C. WILLIAM SCHMIDT

Executive Director

APPROVED BY AGENCY: November 15, 1984

FILED WITH LRC: November 29, 1984 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 25, 1985, at 1 p.m., EST, at the offices of the Kentucky Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205. Those interested in attending this hearing shall contact in writing: C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt, Executive Director

This amendment to 201 KAR 9:021 is designed to address the problem of foreign medical school students performing clinical clerkships in the United States during their third and fourth year of medical school. It is intended to insure that persons from foreign schools who obtained clinical training in their third and fourth year in the United States received training which is substantially equivalent to the training received by students in American medical schools during their third and fourth year. The regulation will affect those persons who attend foreign medical schools that have programs for clinical training in the United States. Presently, several such students present applications to the Board for licensure each year. This regulation will not have any real financial effect on the Board or state revenues

in general, but will help alleviate the concern of the Board, which is shared by other state medical boards, that students in such clinical training programs are not receiving an adequate clinical experience.

Alternative measures were evaluated, however, the Board decided to implement this particular regulation which places a fair burden on the applicant to demonstrate that his education approaches the type and quality of training received by students of American schools approved by the Board.

This regulation does not conflict with, overlap or duplicate any other regulation or statute of the Commonwealth.

Tiering

Was tiering used? Yes. The new Section 5 that is being proposed as an amendment to 201 KAR 9:021 only applies to persons applying for licensure who are graduates of medical schools outside the United States and Canada. KRS 311.571 sets forth soundly based but different requirements for licensures of American medical graduates and foreign medical graduates. The proposed amendment addresses the circumstance of foreign medical graduate licensure relating to the quality of their medical school experience. The regulation will only affect those foreign medical graduates who obtained some clinical training in the United States during their medical school years.

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:055. Angling; limits and seasons.

RELATES TO: KRS 150.010, 150.470, 150.990

PURSUANT TO: KRS 13A.350 [13.082], 150.025

NECESSITY AND FUNCTION: In order to perpetuate and protect the size and well being of fish populations, it is necessary to govern the size and numbers fishermen can harvest. This amendment is necessary to achieve management objectives for Cave Run Lake [specific waters].

Section 1. The statewide season, creel limits and size limits for taking fish by angling shall be as follows except as specified in Section 2 of this regulation for specific bodies of water:

	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (large-mouth, smallmouth, Kentucky & Coosa bass)	10	20	12
Rock bass (known as goggle eye or red-eye)	15	30	None
Walleye and their hybrids	10	20	15
Sauger	10	20	None
Muskellunge and their hybrids	2	2	30
Northern pike	5	10	None
Chain pickerel	5	10	None
White bass and yellow bass	60	60	None

Rockfish and their hybrids	5	5	15
Crappie	60	60	None
Trout (all species)	8	8	None
[Bull frogs]	15	30	None]

Seasons for all species[, except bull frogs,] is year around. [Bull frog season is May 15 to October 31, annually.]

Section 2. The following special limits apply:

(1) The impounded waters of Grayson Lake:

	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (large-mouth, smallmouth, and Kentucky [and Coosa] bass)	10	20	15
Crappie	None	None	None

(2) The impounded waters of Herrington Lake and Dix River and their tributary streams upstream from Dix Dam:

	Daily Creel Limits	Possession Limits	Size Limits Inches
White bass, rockfish, and their hybrids	20	40	See (a)

(a) No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.

(3) The impounded waters of Taylorsville Lake:

	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (large-mouth, smallmouth, and Kentucky [and Coosa] bass)	10	20	15

(4) The impounded waters of Kentucky and Barkley Lakes, including the connecting canal:

	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (large-mouth, smallmouth, and Kentucky [and Coosa] bass)	10	20	See (a)

(a) Fourteen (14) inches, except that the daily limit may include no more than one (1) and the possession limit no more than two (2) black bass less than fourteen (14) inches in length.

(5) The impounded waters of Cave Run Lake:

	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass			
Large-mouth bass	10	20	15
Smallmouth bass	10	20	15
Kentucky bass	10	20	None

(a) For purposes of identification, any black bass with a patch of teeth on its tongue is considered to be a Kentucky bass.
All other angling limits and seasons apply as set forth in Section 1 of this regulation.

Section 3. All fish must be measured from the terminal end of the lower jaw to the tip of the longest tail fin. All fish caught that are smaller than those prescribed minimum lengths must be returned immediately to the waters from which they were taken in the best physical condition possible. Under no circumstances may a fisherman remove the head or the tail or part thereof of any of the above named fish while in the field and before he has completed fishing for the day.

CARL E. KAYS, Commissioner
DR. ROBERT C. WEBB, Chairman

APPROVED BY AGENCY: August 24, 1984

FILED WITH LRC: December 13, 1984 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 22, 1985 at 2 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don McCormick

(1) Type and number of entities affected: Approximately 30,000 anglers that take fish from Cave Run Lake

(a) Direct and indirect costs or savings to those affected: No defineable costs are involved

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None required

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No significant cost or savings will occur

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Biological assessment and evaluation will be reported on an annual basis (3-5 years)

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None available

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No conflict, overlap or duplication is evident

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. The amendment itself is not tiered, however, the complete regulation is.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Water (Proposed Amendment)

401 KAR 5:200. Documents incorporated by reference for water quality and wastewater treatment.

RELATES TO: KRS 224.011, 224.020, 224.033, 224.034, 224.037, 224.060, 224.073, 224.075, 224.081, 224.083, 224.110, 224.135, 224.140

PURSUANT TO: KRS 224.033, 224.045

NECESSITY AND FUNCTION: KRS 13A.120 prohibits an administrative body from issuing standards or by any other name a document where an administrative regulation is required or authorized by law. KRS 13A.130 prohibits an administrative body from using a policy, memorandum, or other form of action to modify or expand a statute or administrative regulation, or to expand or limit a right guaranteed by the Constitution of the United States, the Constitution of Kentucky, a statute, or an administrative regulation. This regulation provides for the incorporation by reference allowed under 1 KAR 1:010 of the documents used by the Natural Resources and Environmental Protection Cabinet to implement 401 KAR Chapter 5, Water Quality and Wastewater Treatment. Copies of these documents may be obtained or examined at the Division of Water Frankfort Office.

Section 1. Operating and Construction Permits for Wastewater Treatment Facilities. (1) The following documents, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference:

(a) U.S. Environmental Protection Agency, Guidance Manual for POTW Pretreatment, U.S. Environmental Protection Agency, Washington, D.C., October, 1983.

(b) U.S. Department of the Army, Corps of Engineers, Office of the Chief of Engineers, Dredging and Dredged Material Disposal, Department of the Army, Washington, D.C., March, 1983.

(c) Great Lakes Board of Sanitary Engineers, Recommended Standards for Sewage Works, Health Education Service, Inc., Albany, N.Y., 1978.

(d) U.S. Environmental Protection Agency, Title 40 Code of Federal Regulations (CFR) Parts 4, 6, 7, 8, 12, 15, 16, 25, 29, 30, 32, 33, and 35, U.S. Government Printing Office, Washington, D.C., 1983 Edition and Annual Reprints thereafter.

(e) U.S. Environmental Protection Agency, Title 48 Code of Federal Regulations (CFR) Part 15, U.S. Government Printing Office, Washington, D.C., 1983 Edition and Annual Reprints thereafter.

(2) The following policy statements, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference: Kentucky Division of Water; Five Mile Policy Requiring No Wastewater Discharges Within Five Miles of Water Intake; Division of Water,

Frankfort, Kentucky; August 28, 1984 [no date].

[(3) Documents cited in this section. Subsection (1)(f) and (g) of this section are for reference purposes only. Incorporation of these documents by reference does not constitute adoption by the state of U.S. Environmental Protection Agency numerical criteria for these pollutants. The use of these documents is site specific depending on stream quality and characteristics, and observed biological communities.]

Section 2. Compliance With and Enforcement of State Water Laws and Regulations. (1) The following documents, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference: (Reserved).

(2) The following policy statements, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference.

(a) Kentucky Division of Water, Enforcement Management System, Division of Water, Frankfort, Kentucky, April, 1983.

[(b) Kentucky Division of Water, Policy Memorandum - Notice of Violation, Division of Water, Frankfort, Kentucky, November, 1983.]

[(b) [(c)] Kentucky Division of Water, State Municipal Strategy, Division of Water, Frankfort, Kentucky, April, 1984.

Section 3. Wastewater Operator Certification. (1) The following documents, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference:

(a) Oerther, Robert; Process Control Manual, Finance Printing Press, Frankfort, Kentucky, 1981.

(b) Water Pollution Control Federation, Operation of Wastewater Treatment Plants MOP 11, Water Pollution Control Federation, Washington, D.C., 1976.

(c) New York State Department of Environmental Conservation, Manual of Instruction for Wastewater Treatment, Health Education Service, Inc., Albany, N.Y., 1978.

(2) The following policy statements, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference: (Reserved).

Section 4. Wastewater Construction Grant Administration. The following policy statement, which is in effect at the time of the effective date of this regulation, is incorporated herein by reference: Value Improvement Program: Construction Grants Branch, Division of Water, Frankfort, Kentucky; December 12, 1984.

[Section 4. Water Quality Standards and Use Designation Determinations. (1) The following documents, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference:]

[(a) Kentucky Division of Water - Division of Environmental Services, Stream Use Designation Methods Manual, Division of Water, Frankfort, Kentucky, 1984.]

[(b) U.S. Environmental Protection Agency, Water Quality Standards Handbook, U.S. Environmental Protection Agency, Washington, D.C., 1983.]

[(c) U.S. Environmental Protection Agency, Technical Support Manual: Waterbody Surveys and

Assessments for Conducting Use Attainability Analysis, U.S. Environmental Protection Agency; Washington, D.C., 1983.]

[(d) Kentucky Division of Water; Wasteload Allocation Modeling Methodology, Division of Water, Frankfort, Kentucky, 1983.]

[(2) The following policy statements, which are in effect at the time of the effective date of this regulation, are incorporated herein by reference: (Reserved).]

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: December 14, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on January 29, 1985, at 10 a.m. in the Capital Plaza Tower. A person interested in attending this hearing shall submit by January 24, 1985, a written request to: Donald F. Harker, Jr., Director, Division of Water, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl Breeding

(1) Type and number of entities affected: This regulation affects all entities that discharge into or that have activities that otherwise affect the waters of the Commonwealth - entities subject to the water quality sections of KRS Chapter 224 and of 401 KAR Chapter 5, Water Quality and Wastewater Treatment. These entities were previously subject to the documents and policies adopted by this regulation. Also, affected are municipalities that receive construction grant funds under Title II of the Federal Clean Water Act.

(a) Direct and indirect costs or savings to those affected:

1. First year: Since the affected entities were previously subject to the documents and policies adopted by this regulation, there are no new costs or savings affecting these entities except the value improvement program which will realize savings to participants in the construction grants program.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Since the affected entities were previously subject to the documents and policies adopted by this regulation, there are no new reporting and paperwork affecting these entities.

(2) Effects on the promulgating administrative body: To insure these documents and policies have continued effectiveness, the Natural Resources and Environmental Protection Cabinet will follow this regulation with the ordinary administrative regulation 401 KAR 5:200. As documents and policies change, administrative regulation 401 KAR 5:200 will be amended accordingly.

(a) Direct and indirect costs or savings:

1. First year: Other than the costs associated with the act of promulgation, adoption of this regulation results in no new costs or savings to the Natural Resources and Environmental Protection Cabinet.

2. Continuing costs or savings: Other than the costs associated with promulgating subsequent amendments as needed, there are no continued costs or savings associated with this regulation.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: 1984 Kentucky Acts Chapter 417 sections 12 and 13, KRS 13A.120 and 13A.130, requires that documents or policies that implement statutes or administrative regulations be adopted as administrative regulations. The Act's effective date, April 13, 1984, necessitates an emergency regulation to insure the enforceability of the documents and policies that implement the water quality sections of KRS Chapter 224 and 401 KAR Chapter 5, Water Quality. No other alternatives are feasible.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. This regulation adopts by reference documents and policies. The regulation's effect is through the water quality sections of KRS Chapter 224 and the programmatic administrative regulations of 401 KAR Chapter 5, Water Quality and Wastewater Treatment which may or may not be tiered as appropriate.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Environmental Protection
Division of Water
(Proposed Amendment)

401 KAR 6:040. Water treatment plants; water distribution systems; certification of operators.

RELATES TO: KRS Chapter 223

PURSUANT TO: KRS [13.082,] 224.032(5), 224.033(17)

NECESSITY AND FUNCTION: The secretary is directed to adopt regulations applicable to certification of water treatment operators. This regulation establishes standards for classification of water treatment plants and water distribution systems; qualifications of applicants; examination procedures; duties of the board; and provisions relating to the issuance, renewal, revocation of certificates, fee schedule and other provisions necessary for certification of operators. This amendment adds a limited certification, revises the fee schedule, and makes other operational revisions.

Section 1. Definitions. The following terms shall have the meanings set forth below unless the content clearly indicates otherwise:

(1) "Board" shall be the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators.

(2) "Cabinet" shall be the Natural Resources

and Environmental Protection Cabinet.

(3) [(2)] "Department" shall mean the Kentucky Department for [Natural Resources and] Environmental Protection.

(4) [(3)] "Secretary" shall be the Secretary of the Cabinet [Department].

(5) [(4)] "Certificate" shall mean a certificate of competency issued by the secretary or his designated agent stating that the operator has met all requirements for the specified operator classification as set by this regulation.

(6) [(5)] "Operator" shall mean any person who has responsibility and authority to conduct or supervise the procedures and practices necessary to ensure that the water supply system or any portion thereof is operated in accordance with laws and regulations of the Commonwealth. "Operator" includes all operating personnel who have day-to-day responsibility to make those decisions necessary to ensure that the water produced or distributed meets applicable standards. Maintenance personnel and others who do not deal directly with the production or distribution of potable water are not included in the term "operator." ["Operator" shall mean a person in responsible charge of the direct operation of a water supply system or any portion thereof which may affect the performance of the system, the quality of the water or the effluent produced by such system.]

[(6)] "Responsible charge" shall mean having the authority to conduct or supervise the procedures and practices necessary to insure that the water supply system or any portion thereof is operated in accordance with accepted practices, laws and regulations of the Commonwealth.]

(7) "Public water system" means any system, irrespective of ownership, for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such terms include: the source of supply and all structures and appurtenances used for collection, treatment, storage and distribution facilities under control of the operator of such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(a) "Community water system" means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(b) "Non-community water system" means a public water system which serves at least fifteen (15) service connections used by individuals for a period less than year-round or which serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year but less than year-round.

(8) "Semi-public water supply" means any water supply made available for drinking and/or domestic use which serves more than three (3) families but does not qualify as a public water system.

(9) "Water treatment plant" shall mean that portion of the water supply system which is

designed to alter [either] the physical, chemical, or bacteriological quality of the water.

(10) "Water distribution system" shall mean the portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of a consumer.

[(11) "Association of Boards of Certification for Operating Personnel in Water and Wastewater Utilities (ABC)" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of water supply and wastewater systems and state programs, and assists authorities in establishing new certification programs and upgrading existing ones.]

Section 2. General Provisions. (1) Each public water system shall be operated by a certified operator at all times. The operator shall hold a valid and effective operator's certificate in a class equal to or higher than the system under his direction. Water treatment systems which operate more than one (1) shift per day may use an operator who is certified in the next lower classification for the additional shifts, provided that the operator with the appropriate classification is available should an emergency arise. [under the supervision of an individual holding a current Kentucky operators certificate for at least the class of system he/she supervises. Certified operators are required for the operation of water treatment facilities as well as systems having only water distribution facilities. In the event the operator is not physically present while a plant is operating, he/she must be immediately available.]

(2) Certified operators are not required by law for semi-public water systems. It is expected that such systems will be operated by competent operators. [but they are expected to be operated by qualified persons.]

Section 3. Duties of the Board. In carrying out its responsibilities the board shall:

(1) Examine the qualifications of applicants for certification;

(2) Review and approve all substitutions of education for experience;

(3) Review and assist in the preparation of examinations;

(4) Review the results of examinations;

(5) [(2)] Recommend qualified applicants for certification by the cabinet [department];

(6) [(3)] Maintain records [of operator qualifications, certification and register of certified operators];

(7) Recommend revocation of certificates for operators who fail to comply with applicable law and regulations;

(8) Review the regulations for certification of states which are seeking reciprocity with the Commonwealth; and

(9) Review applications and supporting documents and determine eligibility of applicants for examination and notify them of their status.

Section 4. Application for Certification. (1) An operator desiring to be certified shall file application with the board, preceding examination, on an application form provided by

the board.

(2) The executive secretary= [and] treasurer of the board shall assemble all the information needed by the board to determine eligibility of the applicant for examination and certification.

[(3) The board shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify him/her of his/her status.]

Section 5. Examinations. (1) The board and cabinet [department] shall be jointly responsible for preparation of the examinations to be used in determining knowledge, ability and judgement of the applicants. [The examination questions promulgated by the ABC shall be used as a guideline.]

(2) Examinations shall be conducted at least semi-annually [held] at places and times set by the cabinet [board] with suitable method of advance announcements made by the cabinet. [board. They shall be conducted at least semi-annually.]

(3) Except in [such] cases which the board may decide represent proper exceptions, all examinations shall be written. All examinations will be graded by the board, or by its designated representative [the department] and the applicant notified of the outcome. Applicants will be required to achieve a score of seventy (70) percent [answer at least seventy (70) percent of the examination items correctly] in order to [successfully] pass the examination. Papers will not be returned to the applicant, but means will be provided to review the results with a member of the board or cabinet [department] upon written request by the applicant.

[(4) Separate examinations will be prepared to cover basic differences in the duties and responsibilities of operators, types of facilities and other pertinent matters.]

(4) [(5)] Applicants who fail to pass an examination are not eligible to [may] repeat the examination until a period of ninety (90) days has elapsed [at the subsequent regularly scheduled examination].

Section 6. Fees. (1) Fees for certification of water treatment plant and water distribution system applicants shall be the following:

(a) Initial [certification with] examination: fifteen (15) dollars [\$10].

(b) Certification by reciprocity: ten (10) dollars.

(c) Re-examination for a new certificate or to make up for failure to pass an examination: eight (8) dollars for each re-examination.

(d) Reinstatement of a lapsed certificate: ten (10) dollars plus renewal fee.

(e) Initial certificate or renewal: five (5) dollars per year [Annual renewal of certificate: \$4].

(2) Fees accompanying applications will not be returned to those who fail to pass the examination [do not qualify for a certificate].

Section 7. Issuance of Certificates. (1) Upon satisfactory fulfillment of the requirements provided herein and upon recommendation of the Board of Certification, the cabinet [department] shall issue a suitable certificate to the applicant designating [his/her competency. This certificate will indicate] the classification of

the water treatment plant or water distribution system for which the operator has demonstrated competency [is qualified].

(2) Certificates for classes I through IV shall be valid for two (2) [one (1)] years unless revoked for cause or replaced by one of a higher classification. Certificates of operators in good standing will be renewed without examination biennially in even-numbered years beginning 1986 [annually], upon written application and submission of the applicable renewal fee[, without examination]. Limited certification will be renewed annually and only after the cabinet certifies that the holder of the certificate has complied with all requirements for properly operating the facility under his charge.

(3) Certified operators who desire to become certified in a higher classification shall [must first] satisfactorily complete the requirements for the higher classification before a new certificate is issued. Experience under a limited certificate does not count toward fulfillment of qualifications for other classifications.

(4) Certificates shall be valid only so long as the holder uses reasonable care, judgment and application of his/her knowledge in the performance of his/her duties. No certificate will be valid if obtained through fraud, deceit or the submission of inaccurate data on qualifications.

(5) The certificates of operators who terminate their employment as [at] a water treatment plant or water distribution system operator will be valid for four (4) [five (5)] years providing they are renewed as required by subparagraph (2) of this section, except for limited certificate holders [Section 7(2) of this regulation]. After four (4) [five (5)] years, the certificate will be automatically invalidated. Limited certificates become invalid immediately if not renewed.

(6) Operators whose certificates have been [are] invalidated may be issued new certificates after passing an examination in the classification for which they are qualified. [of like classification provided appropriate proof of competency is presented to the department. Successful completion of an examination may be required at the discretion of the board.]

(7) [(6)] Certificates [may be issued, without examination] in a comparable classification may be issued without examination to any person who holds a certificate in any state, territory, or possession of the United States or any country provided the requirements for certification of operators under which the person's certificate was issued do not conflict with any provisions of KRS Chapter 223 and are of a standard not lower than that specified by regulations adopted under said chapter; and, providing further, that reciprocal privileges are granted to certified operators of this state.

(8) [(7)] Wall certificates shall be prominently displayed in the office of the operator.

[(8) Certificates heretofore issued by the department shall continue in full force and effect, unless revoked for cause, until such time as the department issues new certificates based upon the new classifications provided herein.]

(9) Wallet cards showing current certification

status shall be carried by the operator at all times while on duty.

(10) Training requirements.

(a) Class II, III, and IV operators shall complete twelve (12) hours of appropriate board-approved training for certificate renewal. Class I operators shall complete six (6) hours of training for renewal. Such training shall include, but is not limited to, correspondence courses, short courses, trade association meetings, and on-the-job training. Training hours completed in any given year in excess of the minimum requirement necessary for renewal may be carried forward for a period not to exceed two (2) years. No training is required for holders of limited certificates.

(b) The board may waive any or all of the requirements of subparagraph (a) of this paragraph for all or portions of a class of operators as defined in Section 9 of this regulation.

(c) Requirements of this subsection shall be effective for certification renewal at midnight on February 28, 1986.

Section 8. Revocation of Certificates. The cabinet [department] may revoke the certificate of an operator[,] following a hearing before the cabinet [department] or its designated representative[,] when it is found that the operator has practiced fraud or deception, that reasonable care, judgment or the application of his/her knowledge was not used in the performance of his/her duties, or that the operator is incompetent, [or] unable or unwilling to [properly] perform his/her duties properly.

Section 9. Classification of Water Treatment Plants and Water Distribution Systems. (1) Classification shall be generally in accordance with the following [four (4)] classes. However, the cabinet [department] may make changes in classification in accordance with the needs created by particular complexities of any specific plant or distribution system by reason of special features of design, or by reason of a source of supply that is particularly hazardous or which has characteristics that may make operation more difficult than normal, or a combination of such conditions. Due notice of any such change shall be given to the owner of the treatment plant and/or water distribution system.

(2) Water treatment plants.

(a) Class I.

[1. (Class IA) All plants using physical treatment and disinfection and serving a population less than 500.]

[2. (Class IB) All plants using disinfection and serving a population less than 500.]

[3.] (Class IA-D) All plants using physical treatment and disinfection wherein the treatment plant operator is also responsible for the [maintenance of the] distribution system and which serves a population less than 500.

[4.] (Class IB-D) All plants using disinfection wherein the treatment plant operator is also responsible for the [maintenance of the] distribution system and which serves a population less than 500.

(b) Class II.

[1. (Class IIA) All plants using physical and chemical treatment including chemical

coagulation and/or water softening processes, filtration and disinfection and serving a population less than 3,000.

[2. (Class IIB) All plants using physical treatment and disinfection and serving a population equal to or greater than 500 and less than 3,000.]

[3. (Class IIC) All plants using disinfection and serving a population equal to or greater than 500 and less than 3,000.]

2. [4.] (Class IIB-D) All plants using physical treatment and disinfection wherein the treatment plant operator is also responsible for the [maintenance of the] distribution system and which serves a population equal to or greater than 500 but less than 3,000.

3. [5.] (Class IIC-D) All plants using disinfection wherein the treatment plant operator is also responsible for the [maintenance of the] distribution system and which serves a population equal to or greater than 500 but less than 3,000.

(c) Class III.

1. (Class IIIA) All plants using physical and chemical treatment including chemical coagulation and/or water softening processes, filtration and disinfection and serving a population equal to or greater than 3,000 and less than 15,000.

2. (Class IIIB) All plants using physical treatment and disinfection and serving a population equal to or greater than 3,000.

3. (Class IIIC) All plants using disinfection and serving a population equal to or greater than 3,000.

(d) Class IVA. All plants using physical and chemical treatment including chemical coagulation and/or water softening processes, filtration and disinfection and serving a population equal to or greater than 15,000.

(3) Water distribution system.

(a) Class ID. All distribution systems serving a population less than or equal to 1,500.

(b) Class IID. All distribution systems serving a population greater than 1,500 and less than or equal to 15,000.

(c) Class IIID. All distribution systems serving a population greater than 15,000 and less than or equal to 50,000.

(d) Class IVD. All distribution systems serving a population greater than 50,000.

(4) A limited classification is available to water treatment facilities for schools or semi-public water supplies.

(5) [(4)] Special designation(s) may be added to any certificate when found necessary to show competency of the operator for a parameter of treatment or operation not covered by the basic requirements for standard classification contained herein.

Section 10. Classification of Water Treatment Plant and Water Distribution System Operators. Five (5) [Four (4)] classes of operators are hereby established and shall range from Class I through Class IV, plus Limited. Each operator classification is intended to relate directly to the corresponding classification of water treatment plant or water distribution system.

Section 11. Operator Qualifications: Experience, Education and Equivalencies. (1) Operators shall be examined by the board as to education, experience, and knowledge as related

to the classification of water treatment plants or water distribution systems for which examined. [Applicants shall be required further to give evidence of good moral character, dependability, initiative, interest in his/her work, and other pertinent characteristics in relation to operation of the class of water facility for which certification is being applied.] Applicants must pass the required written examinations.

(2) Experience and educational requirements of operators shall be as follows:

(a) Class I-AD and Class I-BD [Class I].

1. Completion of high school or General Educational Development (GED) test [equivalent]; and

2. One (1) year of acceptable operation of applicable treatment plant and distribution system.

(b) Class IIA.

1. Completion of high school or GED [equivalent]; and

2. Two (2) [Three (3)] years of acceptable operation of an applicable treatment plant[/distribution system of Class I] with six (6) months in a Class IIA treatment plant or higher.

(c) Class IIB-D and Class IIC-D.

1. Completion of high school or GED; and

2. Two (2) years acceptable operation of a Class IA-D or Class IB-D combined treatment and distribution system with six (6) months in a Class IIA treatment plant or higher.

(d) [(c)] Class IIIA.

1. Completion of high school or GED [equivalent]; and

2. Three (3) years of acceptable operation of applicable treatment plant[/distribution system] of Class IIA or higher.

(e) Class IIIB.

1. Completion of high school or GED; and

2. Three (3) years of acceptable operation of applicable treatment plant or Class IIB-D or higher.

3. Six (6) months experience in a Class IIIB treatment plant.

(f) Class IIIC.

1. Completion of high school or GED; and

2. Three (3) years of acceptable operation of applicable treatment plant of Class IIC-D or higher.

3. Six (6) months experience in a Class IIIC treatment plant.

(g) [(d)] Class IVA.

1. A college degree in a standard curriculum in engineering, allied sciences or equivalent; and

2. At least two (2) [five (5)] years of acceptable operation of Class IIA [applicable] treatment plant[/distribution system of Class III] or higher with one (1) year in a Class IVA treatment plant.

(h) Limited classification. Under the provisions of KRS 223.160, an operator of a water treatment facility for a school or for a semi-public water supply shall be entitled to a limited certificate of competency for his particular facility provided he has demonstrated that he has the knowledge and experience required to operate properly the particular water treatment facility for which he is responsible.

[(3)] In evaluating qualifications of operators and experience/educational equivalencies the

board shall be guided by the following:]

[(a) Experience requiring some technical knowledge of the work and whether or not responsible charge of work was included. In large plants, where responsibility is divided, supervisors of important divisions may be credited with having responsible charge.]

[(b) Experience, to be acceptable, must be the result of satisfactory accomplishment of work. Evaluation may be based on reports of the department or other agencies having appropriate responsibilities for supervising systems and plants.]

[(c) Partial credit may be given for operating experience in maintenance, laboratories or other work of water treatment or distribution systems and allied trades such as plumbing.]

[(3) [(d)] Where applicable, education may be substituted for a portion of experience requirements as specified below:

[(a) No substitution for Class I.

[(b) College credits earned in engineering, allied sciences or an associate degree in engineering technology may, as approved by the board, be substituted for experience limited to one (1) year for Class II, two (2) years for Class III, and three (3) years for Class IV. Education applied to the experience requirement cannot also be applied to the educational requirement.

[1. One (1) year of college work (limited to approved curricula in environmental engineering, environmental technology or related scientific fields) may be considered as equivalent to a maximum of two (2) years of experience or one (1) year of experience with responsible charge.]

[2. Where education is substituted for experience it shall not exceed an amount which would reduce the requirements of actual operating experience to less than six (6) months for Class I or less than two (2) years for Classes II and III or three (3) years for Class IV.]

[3. Education applied to the experience requirement cannot also be applied to the education requirement.]

(c) Where applicable, experience may be substituted for education requirements as specified below:

[1. One (1) year of experience may be considered as equivalent to a maximum of two (2) years of high school.]

1. [2. Each year of responsible charge or] Two (2) years experience in an important phase of operation at a Class II level or above [, other than responsible charge,] will be considered equivalent to one (1) year of college. Eight (8) years of such experience may be substituted for the requirement of a college degree.

2. [3.] Experience applied to education requirements may not also be applied to the experience requirement.

[(f) Substitutions for formal education may be as follows:]

[1. Training credits (T.C.) for board approved operator training schools, seminars and technical courses may be substituted for high school and college requirements. One (1) year of college work equals thirty (30) semester hours or forty-five (45) quarter hours. Six (6) classroom hours of board approved courses shall equal one (1) T.C., and forty-five (45) T.C. equals eighteen (18) semester hours of college or one (1) year of high school.]

[2. An acceptable high school equivalency certificate may be used to substitute for graduation from high school.]

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 12, 1984 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on January 29, 1985, at 10 a.m. in the Capital Plaza Tower. A person interested in attending this hearing shall submit by January 24, 1985, a written request to: A. Leon Smothers, P.E., Assistant Director, Division of Water, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Leon Smothers

(1) Type and number of entities affected: These regulatory changes will affect about 1700 currently certified water treatment plant and distribution system operators, plus an additional 150 new operators a year.

(a) Direct and indirect costs or savings to those affected:

1. First year: There will be an additional \$5 fee for the initial issuance of a water treatment plant or distribution system operator's certification (from \$10 to \$15). In addition, the renewal fee rate will be increased from \$4 to \$5 per year. The operators will also be required to have specified amounts of continuing education for recertification.

2. Continuing costs or savings: Same as (1)(a)1.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Same as (1)(a)1. No effect upon competition.

(b) Reporting and paperwork requirements: Operators will be required to report any continuing education courses taken (other than those provided by the Division) for which they wish to receive credit.

(2) Effects on the promulgating administrative body: This regulation revision would change the requirements for renewing certifications from annual renewal to a biennial.

(a) Direct and indirect costs or savings:

1. First year: The Division will be able to save approximately one-half of the administrative expenses incurred in renewing operator certifications. The recertification provision (see (1)(a)1 above) will require additional costs to the Division for increased training and for verifying number of hours accumulated.

2. Continuing costs or savings: Same as (2)(a)1

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: This regulation will increase state revenues by about \$2450 per year.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternatives to the funding were (1) to eliminate the certification program and the attendant efforts the Division makes for training operators and providing for their continuing education or (2) to provide for these activities from general fund revenues. Since the certification and training activities are required by law and since qualified operation is absolutely

necessary for providing safe drinking water, we cannot justify abandoning these activities. In addition, since operators receive compensation for their activities, we feel that issuance and renewal fees are legitimate costs for their profession and should not be borne by the general public or any other group.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable.

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE:

SPONSOR: Natural Resources and Environmental Protection Cabinet

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: No

TYPE OF MANDATE:

LEVEL(S) OF IMPACT:

BUDGET UNIT(S) IMPACT: Will reduce Cabinet's expense

FISCAL SUMMARY: Revenues: \$2,450; No new expenditures

NET EFFECT: Reduces Cabinet's net outlay by \$2,450

MEASURE'S PURPOSE: To review water plant operator's requirements and generate additional funds to be used in improving operator training and reduce burden on Cabinet's budget.

PROVISION/MECHANICS: Increase fees and reduce certificate renewal requirements.

FISCAL EXPLANATION:

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Natural Resources
Division of Water Patrol
(Proposed Amendment)

402 KAR 4:030. Registration decal.

RELATES TO: KRS 235.040, 235.050, 235.150

PURSUANT TO: KRS [13.082,] 174.080, 235.320

NECESSITY AND FUNCTION: KRS 235.040 requires that all motorboats be registered and numbered; 235.050 requires that they be registered annually; and KRS 235.150 directs the Department for Natural Resources [of Transportation] to attempt to assign the same number to a boat upon subsequent registration. This regulation provides for a current-year decal to be issued upon registration to be displayed on a boat as a validation sticker in order to clearly show that the boat is currently and properly registered; the decal is, of course, necessary since the number in most cases will remain the same from year to year. Section 1 of this regulation prescribes annual validation sticker placement for non-documented vessels and also directs that the validation sticker be displayed in conjunction with the Kentucky identification number. 46 USC 1466 exempts documented vessels

from a state's numbering requirement. This regulation provides for the placement of the annual validation sticker on documented vessels that are Kentucky registered.

Section 1. A current-year validation decal issued to a motorboat registered in Kentucky shall be displayed within six (6) inches behind (aft) and in line with the certificate of number of both the starboard (right hand side) and port (left hand side) bow of the vessel.

Section 2. A current-year validation decal issued to a Kentucky registered, federally documented motorboat shall be displayed on the center of the stern (outside transom) above the vessel name and home port.

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on January 30, 1985, at 1:30 p.m. in the Water Patrol Building at 107 Mero Street, Frankfort, Kentucky. A person interested in attending this hearing shall submit by January 25, 1985, a written request to: Joseph W. Kelly, Director, Division of Water Patrol, 107 Mero Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joe Kelly

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: No direct or indirect costs and effects on competition

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork requirements

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Direct costs of about \$3000 for additional stickers each year

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No reporting or paperwork requirements

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternatives available which would allow the officer to ascertain whether the subject vessel was or was not currently registered

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No conflict, overlapping, or duplications exist relative to these regulations

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

This regulation will provide for improved enforcement of KRS Chapter 235

Tiering:

Was tiering applied? No. Tiering was not applicable since this regulation will be applied equally across the board.

**TRANSPORTATION CABINET
Department of Administrative Services
Division of Transportation Services
(Proposed Amendment)**

600 KAR 1:070. Motor pool procedure.

RELATES TO: 1984 Acts Chapters 344 and 406
[KRS Chapter 42, 44.050, 44.060]

PURSUANT TO: KRS [12.025(1),] 174.080[, Senate Bills 179 and 236]

NECESSITY AND FUNCTION: To implement the authority for administration of the state motor pool authorized by Executive Orders 83-70 and 82-798 which were confirmed by the 1984 General Assembly.

Section 1. In order to facilitate the administration and operation of the state motor pool, the Transportation Services Guidance Manual, as revised October 30, 1984 [2, 1981], published by the Transportation Cabinet, a copy of which is open for public inspection during business hours in the office of the Commissioner of Administrative Services in the State Office Building, High Street, Frankfort, Kentucky 40622, is incorporated herein by reference and made part hereof as fully as if set forth in length. The manual incorporated by reference contains information on the use and assignment of vehicles, the operation and care of vehicles, and the use of Transportation credit cards.

Section 2. Any employee who fails to adhere to the requirements of this regulation is subject to disciplinary action.

ROGER COLE, Commissioner
FLOYD G. POORE, Secretary

APPROVED BY AGENCY: December 6, 1984

FILED WITH LRC: December 11, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on this proposed administrative regulation on January 22, 1985 at 8:30 a.m., EST, in the 4th floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by January 17, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry Moore

(1) Type and number of entities affected: All state agencies/employees using state vehicles are affected.

(a) Direct and indirect costs or savings to those affected:

1. First year: Annual costs to user agencies is \$2,800,000. Savings are indeterminable, other agencies are not required to purchase or maintain vehicles.

2. Continuing costs or savings: (See above.)
3. Additional factors increasing or decreasing costs (note any effects upon competition): NA

(b) Reporting and paperwork requirements: User agencies report vehicle use to Transportation Cabinet.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Annual direct costs \$2,800,000 for purchase, maintenance, and fuel for motor pool. No indirect costs or savings.

1. First year: (See above.)

2. Continuing costs or savings: (See above.)

3. Additional factors increasing or decreasing costs: NA

(b) Reporting and paperwork requirements: Computerized information on vehicle use and maintenance.

(3) Assessment of anticipated effect on state and local revenues: NA

(4) Assessment of alternative methods; reasons why alternatives were rejected: NA

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict: NA

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: NA

(6) Any additional information or comments: Results in more efficient administration of state motor pool, though Transportation Cabinet does not benefit monetarily.

Tiering:

Was tiering applied? No. Amended regulations are applicable to all state agencies and persons utilizing motor pool vehicles.

**TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)**

602 KAR 15:010. Airport development loans.

RELATES TO: KRS 183.200 to 183.213

PURSUANT TO: KRS 183.213

NECESSITY AND FUNCTION: KRS 183.213 provides that the department shall promulgate regulations governing airport loans made under KRS 183.200 to 183.213 and this regulation is promulgated to set forth specifications regarding applications for such loans.

Section 1. Definition. "Airport development loan" means a loan authorized by KRS 183.200 to 183.213 and regulations promulgated thereunder.

Section 2. An airport board that seeks an airport development loan shall file an original and two (2) copies of an application with the Transportation Cabinet, Executive Director, Office of Aeronautics, State Office Building, Frankfort, Kentucky 40622.

Section 3. Content of Application. The following information and exhibits shall be included in the application:

(1) Name and address of the airport board.

(2) The amount of airport development loan requested from the cabinet.

(3) The description of the proposed airport project by attaching an exhibit showing an engineer's plat of the site boundaries with the planned location or improvement of airstrips, facilities, servicing utilities, access roads and total acreage indicated thereon.

(4) An exhibit showing the ownership and encumbrances on the land described in subsection (3) of this section.

(5) An exhibit stating the itemized detailed cost or estimated cost of the land and all proposed improvements, the engineering and legal expenses, and any other expenses necessary to determine the cost of the airport project.

(6) An exhibit that states the method and amount of financing for the proposed project including federal, state and local participants with the percentage of the total project cost contributed by each. This exhibit shall show evidence of the availability of funds from each source; the proposed terms of an airport development loan and schedule of repayment; the percentage of the total project cost to be covered by an airport development loan; and evidence that funds are not available in the amount necessary to establish the project without an airport development loan.

(7) An exhibit with documentation of the financial standing of the airport board in the form of a current financial statement containing a full disclosure of all assets, liabilities, and income.

(8) A statement as to when the proceeds of the loan will be needed and a proposed schedule for site acquisition or development.

(9) An exhibit containing letter(s) from the appointing authority or authorities attesting that said authority or authorities accept full responsibility for repayment of the loan principal, interest, and any late payment penalties in the event of default on the loan by the airport board.

Section 4. The annual rate of interest to be charged throughout the life of an airport development loan shall be six (6) percent per annum on all loans made after April 1, 1985 [equal to the tax interest rate established pursuant to KRS 131.183 for the quarter commencing January 1 of the current year in which the loan is approved less three (3) full percentage points].

Section 5. Determination Standards. Standards for determining the soundness and feasibility of projects shall be as follows:

(1) Whether funds for the project can be obtained from federal, local or other sources, or

(2) Whether the proceeds for the loan are to be expended for initial construction of an airport facility or the improvement of the safety or adequacy of an existing airport facility, or

(3) Whether the airport development project will generate adequate revenue to repay the loan, or

(4) Whether the airport master plan demonstrates that such facilities are needed to enable the airport to give better service to the aircraft operators anticipated to use the airport facility.

Section 6. Terms of Loan. The airport development loan agreement entered into between

the airport board and the cabinet shall have the following terms in addition to those stated in KRS 183.210:

(1) That the principal amount loaned shall be repaid to the cabinet in annual installments plus accrued interest or as otherwise provided in the agreement.

(2) That the first installment payment shall be due within one (1) year after the proceeds of the loan are paid to the airport board.

(3) That the airport board may repay any or all of the unpaid balance without penalty provided that the interest shall be computed to the date said advance repayment is made.

(4) That all payments on principal and interest shall be made to the Office of Aeronautics, or as otherwise provided in the agreement.

(5) That the loan shall be used by the airport board for the purpose stated in the application and for no other purpose.

(6) That for value received and for the purpose of affording credit to the airport board, the appointing authority or authorities jointly and severally absolutely and unconditionally guarantee the payment at maturity of all obligations under the loan agreement.

(7) The agreement may contain any other terms agreed upon by the airport board and the cabinet.

ROBERT COX, Executive Director

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: November 26, 1984

FILED WITH LRC: December 3, 1984 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held January 22, 1985 at 10 a.m. in the 4th floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Persons interested in attending this hearing must in writing no later than January 17, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: 69 Kentucky airport boards

(a) Direct and indirect costs or savings to those affected: Difference between 10% and 6% savings to board on development loans.

1. First year:

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Difference between 10% and 6% cost to loan fund.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Trade off between state and local. State gets less revenue to entice local boards to use funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Rejected do

nothing alternative to encourage use of loan fund.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All loan applicants will be treated the same.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 3:305. Minimum unit requirements for high school graduation.

RELATES TO: KRS 156.160, 158.665

PURSUANT TO: KRS [13.082,] 156.070, 156.160, 158.665

NECESSITY AND FUNCTION: KRS 156.160 requires that, upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall adopt rules and regulations relating to the minimum courses of study for the different grades and the minimum requirements for graduation from the courses offered in all common schools; and KRS 158.665 requires that all secondary students devote sixty (60) percent of their time to basic skills development in the curriculum areas of English, language arts, science, mathematics, and social studies. This regulation relates to the establishment of minimum requirements necessary for entitlement to a high school diploma.

Section 1. All students in the common schools and all students in the private or parochial schools which are accredited by the State Board of Education shall meet the following minimum credit requirements for high school graduation:

(1) (a) Language arts--3;

(b) Social studies--2 (including one (1) credit in U.S. History and, one (1) credit in citizenship for students graduating in 1984-87, if a full-year citizenship course has not been successfully completed at the sixth, seventh, or eighth grade level. Successful completion of the citizenship requirement at the sixth, seventh, or eighth grade level shall not be substituted for either of the two (2) social studies credits required for high school graduation. Any required citizenship credit at the high school level may be waived by the local board of education for students transferring into a school operated by that board, if a full-year citizenship course is no longer offered at the high school level by the pertinent school, but such a waiver shall not reduce the minimum number of total credit requirements for graduation. The Superintendent of Public Instruction also may grant a waiver for any high school citizenship requirement, upon written request of a local school district superintendent, for up to two (2) graduating classes, as a result of moving the required

citizenship course from the high school level to the sixth, seventh, or eighth grade, but such a waiver shall not reduce the minimum number of credits for graduation.

(c) Mathematics--2;

(d) Science--2;

(e) Health--1/2;

(f) Physical education--1/2.

(2) (a) Required--10;

(b) Elective--8;

(c) Total--18.

Section 2. (1) Effective for students beginning the ninth grade after the 1982-83 school term, the following minimum credits shall be required for graduation in addition to the requirements set forth in Section 1 of this regulation:

(a) One (1) additional credit in language arts, making a total of four (4); [and]

(b) One (1) additional credit in mathematics, making a total of three (3); and

(c) All secondary school students in grades nine (9) through twelve (12) shall continue to develop competency in reading and writing, including grammar and spelling, with sixty (60) percent of their time being devoted to basic skills development in the curriculum areas of English, language arts, science, mathematics and social studies. One additional credit from language arts, mathematics, science, social studies, or the approved vocational courses recognized by the "Program of Studies for Kentucky Schools, Grades K-12" as incorporating such basic skill curriculum areas shall be earned as one of the requisite elective courses.

(2) Students subject to the requirements of this section shall thus complete the following minimum credits:

(a) Required--12;

(b) Elective--8 (one of which shall be from the curriculum areas of language arts, mathematics, science, social studies, or approved vocational courses);

(c) Total--20.

(3) Relative to required credits for those subject to this section, students, except those repeating such courses and except as hereinafter set forth, shall have completed at least two (2) credits in English, two (2) credits in science and two (2) credits in mathematics at the ninth and tenth grade levels. Students transferring from nonaccredited schools, as defined in 704 KAR 3:307, and schools properly accredited under the laws of other states may be awarded ninth and tenth grade required credits under the procedures set forth in 704 KAR 3:307, and, if such is not possible, may be allowed to complete such required credits beyond the tenth grade level.

Section 3. Each student who satisfactorily completes the requirements of Sections 1 or 2 of this regulation, as applicable, and such credits and additional requirements as may be imposed by a local board of education shall be awarded a graduation diploma.

(1) Local boards of education may grant different diplomas to those students who complete credits above the minimum number of credits as established by the State Board of Education.

(2) The local school district board of education shall award the diploma.

Section 4. Nothing in this regulation shall be interpreted as prohibiting any local governing board, superintendent, principal or teacher from awarding special recognition to students.

Section 5. When the severity of an exceptional student's handicap(s) precludes a course of study leading to receipt of a diploma, an alternative program shall be offered. This program is based upon student needs, is specified in the individual educational plan, and is to be reviewed at least annually. The student who completes such a course of study is entitled to recognition for achievement. This may be accomplished by the local school district board of education awarding a certificate.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 1 p.m. EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Conley Manning

(1) Type and number of entities affected: All public high schools

(a) Direct and indirect costs or savings to those affected: NA. Requirement does not change total graduation requirements.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No change

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No change

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change

(3) Assessment of anticipated effect on state and local revenues: NA

(4) Assessment of alternative methods; reasons why alternatives were rejected: NA

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: NA

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: This regulatory change was made necessary by the enactment of KRS 158.665.

Tiering:

Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 3:320. Essential skills [for mathematics and reading].

RELATES TO: KRS 158.750

PURSUANT TO: KRS 156.070, 156.160, 158.750

NECESSITY AND FUNCTION: KRS 158.750 specifies that the State Board of Education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the essential skills necessary to function in each basic skills area defined by KRS 158.650. The state board must also determine the essential skills necessary for pupils to successfully complete each grade level and develop and disseminate tests to determine mastery of essential skills. This regulation defines essential skills for the basic skill areas of mathematics, [and] reading, writing, spelling and library research reference skills [to be tested during the 1984-85 school year].

Section 1. Each local district board of education shall assure that each pupil in the district is taught and is mastering the essential skills as determined by the State Board of Education for each of the basic skills areas defined by KRS 158.650. The essential skills identified for the basic skills areas [of mathematics and reading], as approved by the State Board of Education, comprise the document "Essential Skills for Kentucky's Public Schools, November [July], 1984," which is incorporated herein by reference and copies of which may be obtained from the Office of Instruction.

Section 2. Each local district board of education shall prior to the end of the 1984-85 school year, and each year thereafter, administer to each public school student (K-12) in the district essential skills tests as adopted by the State Board of Education to determine mastery of essential skills in the basic skills areas of mathematics and reading as defined by KRS 158.650.

Section 3. Each local district board of education shall prior to the end of the 1985-86 school year, and each year thereafter, administer to each public school student (K-12) in the district essential skills tests to determine mastery of essential skills in each of the basic skills areas of mathematics, reading, writing, spelling and library research reference skills as defined by KRS 158.650.

ALICE McDONALD

Superintendent of Public Instruction

ADOPTED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 9 a.m., in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky to review the regulations adopted by the State Board of Education at its November meeting. Those persons

wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rebecca Brown

(1) Type and number of entities affected: All public school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Administration of essential skills test in the basic skills areas.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$800,000 FY 85

2. Continuing costs or savings: \$1,000,000 FY 86

3. Additional factors increasing or decreasing costs: Annual enrollment K-12; printing of test documents; revision of test documents

(b) Reporting and paperwork requirements: The Department of Education must disseminate essential skills lists, essential skills test and must score or cause to be scored all test documents and compile and analyze results.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: This represents the implementation of a key strategy in education reform in Kentucky which was endorsed by the Superintendent of Public Instruction, the Governor and the General Assembly.

Tiering:

Was tiering applied? No. Tiering was not applied because of the need for uniformity.

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt rules and regulations relating to grading, classifying, and accrediting all common schools. This

regulation implements this duty by prescribing general standards to be used in evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools, as amended on November 28 [July 9], 1984, are presented herewith for filing with the Legislative Research Commission, and incorporated by reference. The Standards for Accrediting Kentucky Schools, 1980-81, shall remain in effect through the 1984-85 school year for those districts which cannot, because of time and personnel constraints on the Superintendent of Public Instruction, be assessed by the Department of Education under the new standards until the 1985-86 school year, and said accreditation standards are also incorporated herein by reference.

Section 2. "The Merit Rating Procedural Information and General Criteria for Guidance Programs" and "Merit Rating Guidelines for Kentucky Schools," as adopted on July 9, 1984, are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 3. A copy of all documents incorporated in this regulation may be obtained from the Department of Education.

ALICE McDONALD

Superintendent of Public Instruction

ADOPTED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Alice McDonald, James Fouche

(1) Type and number of entities affected: 180 local school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No

additional

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives submitted

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering was not applied because of the need for uniformity.

CABINET FOR PUBLIC PROTECTION AND REGULATION

Department of Insurance

(Proposed Amendment)

806 KAR 38:020. Health maintenance organization agent license [Agents' licenses].

RELATES TO: KRS 304.38-110

PURSUANT TO: KRS 13.082, 304.38-110

NECESSITY AND FUNCTION: KRS 304.38-110 provides that the commissioner shall promulgate rules and regulations necessary for licensure of a health maintenance organization agent. This regulation sets forth basic procedures to acquire and to keep an agents' license.

Section 1. (1) An "agent" means any person directly or indirectly associated with such organization who engages for profit or pecuniary gain in the solicitation or enrollment of persons in a health maintenance organization.

(2) "Profit or pecuniary gain" as used in this section means any type of compensation that a person receives from the health maintenance organization for which the solicitation or enrollment of members is made.

Section 2. To qualify for an agent's license, an applicant shall: (1) Be above the age of eighteen (18) years;

[(2) Be a bona fide resident of and actually reside in this state;]

[(3)] [(3)] Be competent, trustworthy, financially responsible, and of good reputation;

[(3)] [(4)] Pass any written examination required for the license under KRS Chapter 304, Subtitle 38, except when the applicant is a nonresident who has filed with the Commissioner a certification from his home state that the applicant is licensed in good standing as an agent for health insurance or health maintenance organizations;

[(4)] [(5)] Be appointed as an agent by one (1) or more corporations subject to the provisions of KRS Chapter 304, Subtitle 38;

[(5)] [(6)] Make application to the commissioner in the manner and form prescribed by him; and

[(6)] [(7)] Pay the fee provided in KRS 304.4-010.

Section 3. Agents' licenses shall expire as of 12:01 a.m. on the first day of April, 1983, and biennially thereafter, unless the licensee prior

thereto has filed with the commissioner, on forms prescribed and furnished by him, a request for continuation of license. The request must be accompanied by payment of the renewal fee as provided in KRS 304.4-010. However, any request for continuation received by the commissioner after such April 1 and prior to the next following June 30 may be accepted and effectuated by the commissioner if accompanied by a penalty as provided in KRS 304.99-100.

Section 4. (1) Each corporation qualified under KRS Chapter 304, Subtitle 38 appointing an agent shall notify the commissioner by filing written notice in duplicate with the commissioner on forms prescribed and furnished by him, and shall pay the fee as provided in KRS 304.4-010. If the agent is then licensed, or as soon as licensed, the commissioner shall mail the appointment certificate to the corporation.

(2) Each appointment shall continue in force until:

(a) The commissioner notifies the corporation that the agent's license is suspended or revoked;

(b) The appointment is terminated by the corporation by written notice of termination filed with the commissioner; or

(c) The corporation fails to renew the appointment.

Section 5. The commissioner may suspend, revoke, or refuse to renew any license issued under this regulation, for any of the following causes:

(1) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner;

(2) If the licensee wilfully violates or knowingly participates in the violation of any provision of KRS Chapter 304, Subtitle 38 or this regulation;

(3) If the licensee obtains or attempts to obtain a license through wilful misrepresentation or fraud, or fails to pass any examination required under KRS Chapter 304, Subtitle 38;

(4) If the licensee has been convicted, by final judgment, of a felony involving moral turpitude;

(5) If in the conduct of his affairs under the license, the licensee has shown himself to be, and is deemed by the commissioner to be, incompetent or untrustworthy;

(6) If the licensee exercises powers outside the scope of his license;

(7) If the licensee commits any violation of the provisions of KRS Chapter 304 or any regulation of the commissioner as made applicable to him.

GIL McCARTY, Commissioner

MELVIN WILSON, Secretary

APPROVED BY AGENCY: December 7, 1984

FILED WITH LRC: December 13, 1984 at 2:30 p.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning the proposed regulation will be held on January 21, 1985, at 9 a.m. in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Those interested in attending this hearing shall submit a written comment at least five days prior to the hearing to: Gil McCarty, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel

Need for the Proposed Regulation: The proposed regulation is necessary to permit nonresidents to be licensed as health maintenance organization agents. It exempts nonresidents from the written examination requirement if they are licensed in good standing in their home states.

Type and Number of Entities Affected: The proposed amendments will affect the five (5) health maintenance organizations authorized to do business in Kentucky.

1. Direct or Indirect Cost or Savings to Those Affected: There will be cost associated with licensing nonresidents, but the proposed amendment merely permits nonresidents to be licensed, leaving each health maintenance organization to decide whether it wants to have nonresidents as its agents.

2. Reporting and Paperwork Requirements: Nonresidents must submit the same forms as other applicants for agent licenses. These are an application form and an appointment form.

Effects on the Promulgating Administrative Body: The number of nonresidents seeking health maintenance organization agent licenses will be relatively small and there are procedures established to deal with applications for health maintenance organization agent licenses. Therefore, there should be only a minimal impact on the Department.

Assessment of Anticipated Effect on State and Local Revenues: There may be a slight increase in revenue due to nonresidents paying license fees (\$40 per health maintenance organization represented. KRS 304.4-010(11)).

Assessment of Alternative Methods: Reasons Why Alternatives were Rejected: In order to license nonresidents, the proposed amendments must be adopted because under the current regulation, only residents can be licensed.

Statutes, Rules, Regulations, or Governmental Policies Which May Conflict, Overlap, or Duplicate the Proposed Regulation: None.

Tiering:

Was tiering applied? Tiering is applied in that nonresidents are exempted from the written examination if they are licensed in good standing in their home states. All others must take the written examination.

CABINET FOR HUMAN RESOURCES
 Department for Health Services
 (Proposed Amendment)

902 KAR 8:020. Policies and procedures for local health department operations.

RELATES TO: KRS Chapter 212

PURSUANT TO: KRS 194.050, 211.090, 211.170, 211.180, 213.410

NECESSITY AND FUNCTION: KRS 211.170 directs the Cabinet for Human Resources to establish policies governing the activities of local health departments. This regulation adopts various manuals setting policies and standards for health departments.

Section 1. Local Health Policy Manual. The policies set forth in the November 15 [October

15], 1984, edition of the "Local Health Policy Manual" governing the maintenance and operation of local health departments are hereby adopted by reference.

Section 2. Financial Management Manual. The policies set forth in the November 15 [October 15], 1984, edition of the "Financial Management Manual" governing the operation of the financial management systems used by local health departments are hereby adopted by reference.

Section 3. Patient Services Reporting System Manual. The policies set forth in the May 1, 1984, edition of the "Patient Services Reporting System Manual" governing the collection of patient health/medical services delivered by local health departments are hereby adopted by reference.

Section 4. Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky. The policies and procedures set forth in the May 1, 1984, edition of the "Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky" governing the development and maintenance of medical records in local health departments are hereby adopted by reference.

Section 5. Planning Manual for Local Health Departments. The policies set forth in the February, 1984, edition of the "Planning Manual for Local Health Departments" governing the annual program planning process and procedures of local health departments are hereby adopted by reference.

Section 6. Standards Manual for Local Health Departments. The policies set forth in the May 15, 1984, edition of the "Standards Manual for Local Health Departments" governing the programmatic operations of local health departments are hereby adopted by reference.

Section 7. Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report. The policies set forth in the September, 1982, edition of the "Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report" are hereby adopted by reference.

Section 8. On-Line Environmental Health Management Information System. The policies set forth in the February 14, 1984, edition of the "On-Line Environmental Health Management Information System" manual are hereby adopted by reference.

Section 9. Consumer Product Safety Commission's Hazardous Substances Labeling Guide. The policies set forth in the May 25, 1979, edition of the "Consumer Product Safety Commission's Hazardous Substances Labeling Guide" are hereby adopted by reference.

Section 10. Consumer Product Safety Commission's In-Depth Investigations Manual. The

policies set forth in the January 28, 1983, edition of the "Consumer Product Safety Commission's In-Depth Investigations Manual" are hereby adopted by reference.

Section 11. MCH Maternity Manual. The policies set forth in the May 11, 1984, edition of the "MCH Maternity Manual" governing the operation of the prenatal program conducted by local health departments are hereby adopted by reference.

Section 12. Sudden Infant Death Syndrome Program. The policies set forth in the May 11, 1984, edition of the "Sudden Infant Death Syndrome Program" manual governing the operation of the Sudden Infant Death Syndrome Program conducted by local health departments are hereby adopted by reference.

Section 13. Standards for Genetic Disease Testing, Counseling and Education Services Program. The policies set forth in the May 11, 1984, edition of the "Standards for Genetic Disease Testing, Counseling and Education Services Program" manual governing the operation of genetic disease testing and counseling clinics conducted by local health departments are hereby adopted by reference.

Section 14. Standards for Regional Pediatric Clinics. The policies set forth in the May 11, 1984, edition of the "Standards for Regional Pediatric Clinics" manual governing the operation of regional pediatric programs conducted by local health departments are hereby adopted by reference.

Section 15. Standards for Preventive Health Care in Children. The policies set forth in the May 11, 1984, edition of the "Standards for Preventive Health Care in Children" manual governing the operation of well child programs conducted by local health departments are hereby adopted by reference.

Section 16. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 17. Summary of Amendment. (1) In relation to Section 1 relating to the Local Health Policy Manual strike LHP 500-1 dated 7-1-82 and substitute in lieu thereof LHP 500-1 dated 11-15-84 authorizing local health departments to pay an employee for fifty (50) hours of compensatory leave when the maximum of 200 hours is accumulated [LHP 100-1 dated 7-1-82 and substitute in lieu thereof LHP 100-1 dated 10-15-84 to enable local health departments to request a waiver of a local health policy because of undue hardship].

(2) In relation to Section 2 relating to the Financial Management Manual, strike page 53 (undated) and substitute a new page 53 dated 11-15-84 which omits the section authorizing the reimbursement of local health department employees for professional association membership dues [46 (undated) and substitute a new page 46 dated 10-15-84 which deletes reference to various types of personnel

reporting forms, other than the Request for Personnel Action form (P-2)].

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1985 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, KY. 40621.

REGULATORY IMPACT ANALYSIS

Regulation Number: 902 KAR 8:020 - Section 1 (Local Health Policy Manual, LHP 500-1)

Agency Contact Person: Phillip R. Spangler

(1) Type and number of entities affected: LHDs-40

(a) Direct and indirect costs or savings to those affected: Not significant; some departments may incur increased costs, most will use in lieu of employing additional staff.

1. First year: Not significant

2. Continuing costs or savings: Not significant

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None added

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: This change makes local health department policy identical to state government policy

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: Change requested by local health department administrators to increase management flexibility

Tiering:

Was tiering applied? No. N/A

REGULATORY IMPACT ANALYSIS

Regulation Number: 902 KAR 8:020 - Section 2 (Financial Management Manual, p. 53)

Agency Contact Person: Phillip R. Spangler

(1) Type and number of entities affected: LHDs-40

(a) Direct and indirect costs or savings to

those affected:

1. First year: A substantial savings will be realized by local health departments annually, however, an estimate of savings cannot be determined due to the lack of data on the number of membership dues being reimbursed to employees at the present time.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: An estimate of the savings incurred by the Department of Health Services cannot be made due to a lack of data on the number of membership dues being reimbursed at the local health departments

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: State and local revenues previously used to reimburse the employee for membership dues will now be available to purchase additional health services.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A

CABINET FOR HUMAN RESOURCES
Department for Mental Health
and Mental Retardation
(Proposed Amendment)

902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.

RELATES TO: KRS Chapter 210

PURSUANT TO: KRS 210.010

NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the December 1 [July 1], 1984, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the December 1 [November 1], 1984, edition of the "Hazelwood Policy Manual" consisting of two (2)

volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the May 1, 1984, edition of the "Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the December 1 [October 1], 1984, edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1984, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the December 1 [November 1], 1984, edition of the "Western State Hospital Policy Manual" consisting of thirty-one (31) volumes relating to the operation of Western State Hospital Facility are hereby adopted by reference.

Section 7. Glasgow ICF Policy Manual. The policies and procedures set forth in the May 1, 1984, edition of the "Glasgow ICF Policy Manual" consisting of twelve (12) volumes relating to the operation of Glasgow ICF Facility are hereby adopted by reference.

Section 8. Western State Hospital ICF Policy Manual. The policies and procedures set forth in the November 1, 1984, edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 1984, edition of the "Volta Policy Manual" consisting of one (1) volume relating to the operation of Volta Facility are hereby adopted by reference.

Section 10. Kentucky Correctional Psychiatric Center Policy Manual. The policies and procedures set forth in the December 1 [November 1], 1984, edition of the "Kentucky Correctional Psychiatric Center Policy Manual" consisting of thirteen (13) volumes relating to the operation of Kentucky Correctional Psychiatric Center Facility are hereby adopted by reference.

Section 11. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 12. Summary of Amendment.

ADMINISTRATIVE REGISTER - 1083

Section 1 is revised as follows:

OAKWOOD POLICY MANUAL - A-1 - Volume I

DST-0-1 #2B Terminology adjusted to refer to clients as "persons with mental retardation".

#3A More clearly identifies support services reporting to the Office of the Facility Director.

DST-0-2 #3A Adds section for search by Unit V Shift Supervisor.
Attachment

#4B More clearly defines training objectives; process reviewed monthly.

#5B Revised staffing format. Omits procedure requiring recommendations to be sent to DSI.

#17C Includes representation for Unit V.

#19B Updates references to current forms and Retention and Disposal Schedule.

DST-0-3 #9A Omits reference to use of contingency management system.

#15C Revises list of authorizations necessary for program approval.

DST-0-5 #4A Deletes requirement to send documentation to Training and Education Branch.

#15B Tightens training requirements for personnel transporting residents.

DST-0-6 #9B More clearly delineates sponsorship approvals. Deletes ID card requirement.

DST-0-7 #8B Adjusts increment specifications and annual and sick leave accrual rates for part time over 100 hours employees.

#15B Revises form numbers and updates procedures according to current timekeeping procedures.

#17C Revises annual leave accrual for part time over 100 employees.

#18C Revises sick leave accrual for part time over 100 hours employees.

OAKWOOD POLICY MANUAL - A-2 - Volume II

DST-0-8A #3A Generalizes resident advocate responsibility to apply for any funds resident may qualify for rather than specifying each form and fund.

#4A More clearly defines role of Placements and Admissions Coordinators.

DST-0-8B #1B Transfers responsibilities for some placement procedures to other staff.

#4B Changes New Neighbors terminology to AIS/MRDD and specifies need for authorization for release of information.

DST-0-8C #3A Deletes authorization for permanent record to accompany resident to another CHR facility.

#6B Adds KRS reference and specifies expiration of authorization for release of information.

#8A Provides stricter controls for removal of permanent records from central record room.

#9B Revises retention time period to agree with current guidelines.

#10A Revised to conform to KRS 422.300-330. Permanent record not transferable to other facilities.

#13B Specifies transfer of pertinent record material rather than complete record to/from other CHR facilities.

#15A Revised listing of statistical data maintained by Resident Records Department.

#16 New policy to standardize procedures for charging for copying Resident Record material.

DST-0-8D #5A Gives social worker or R.N. authority to notify families of infirmary admission.

DST-1-1 #5 Policy deleted. (Identification not required for Administrative Services employees for work on facility.)

DST-1-2 #4B Revised procedure for requesting food in lieu of menu.

DST-1-3 #13C Terminology revised to refer to cottage teacher as Residential Training Specialist.

#16B Includes revised forms.

DST-1-7 #3A Changes laundry bagging procedures.

OAKWOOD POLICY MANUAL - A-3 - Volume III

DST-2-2 #4B Revises procedure for administration of injections.

#9C Increases number of locations for denoting allergies.

ADMINISTRATIVE REGISTER - 1084

- #10C Includes date in medication checks.
- #14B Includes additional medical information on Kardex.
- #26C Revises procedures for receiving lab results.
- #32C Includes date in medication check.
- #41 New procedure for measuring and recording resident weight and height.
- DST-2-5 #1A Specifies approval of medications by State Formulary Committee and Oakwood Pharmacy and Therapeutic Committee.
- DST-3-1 #2A Title change from Director of Program Services to Program Director.
- #3A Deleted (Reports)
- #6B Revised copy room procedures.
- DST-3-2 #1C Revises mission of Developmental Training Department.
- DST-3-3 #1B Revises mission of Habilitative Training Department.
- DST-3-4 #1C Revises mission of Diagnostic and Therapeutic Services Department.
- DST-4-1 #1C Reflects new structure of five Units.
- #2B Reflects new structure of five Units.
- #5B Deleted (Employee Work Performance Appraisal no longer applicable).
- DST-4-2 #1B Reflects new five-Unit structure.
- #2A Reflects new five-Unit structure.
- #6A Includes transmitters in transfer of items between shifts.
- #7A Requires staff to sign log book at beginning and end of shift.
- #9C Requires social worker to provide current list of approved resident visitors.
- #12B Revised mealtime hours.
- #15B More clearly defines procedures for resident treatment programs.
- #17A Revised to refer to "teacher" as instructor.
- #20B Revises intrafacility resident transfer procedures.

Section 2 is revised as follows:

HAZELWOOD POLICY MANUAL - B-1

87-3-3 #7B Subgroup A - page 1: Staff Services Director has been added to the call list. Reason: The Staff Services Director is one of the branch managers, and the Safety Committee is of the opinion that all branch managers should report to the facility during an internal disaster to assist their respective departments in an emergency.

Subgroup A - page 2: The word "Director's" added so as to read "Program Director's Secretary". This was changed to avoid confusion with other program secretaries.

87-3-3 #11C #2 - Page 1: Change made from Independent Home Living to Independent Living Environment. Independent Living Environment is the correct name, and this change will eliminate confusion among employees. The word "ward" was changed to read unit (floor). Reason: To eliminate confusion on the unit areas when making severe weather announcements.

Addendum to 87-3-3, #11C: Under subject - Page 1: Independent Home Living changed to Independent Living Environment to eliminate confusion during severe weather announcements.

87-3-3 #9B #6: The word "patients" was changed to "residents". Reason: Hazelwood is a ICF-MR and in compliance with L & R, when referring to the occupancy, the term used shall be "residents".

3-East Nurses Station Attachment: #4-I: An addition was made - Staff Services Director shall report to scene of fire. Reason: All branch managers shall report to scene of fire.

Nursing Department and Volunteers Attachment: The term "ward" changed to floor. Reason: The term "ward" causes confusion on unit areas when making fire announcements.

Administrative Attachment: The term "ward" changed to floor and "floor personnel" to "direct care personnel". Reason: The term "ward" causes confusion on unit areas when making fire announcements. "Direct care personnel" is the term used for individuals working on units.

Business Office, Colonial Inn, Elks Building, Independent Living Building, Volunteer House Attachment: Independent Living Building changed to Independent

Living Environment. Reason: Independent Living Environment is the correct name and this will eliminate confusion during fire announcements.

87-3-3 #12A Bomb Threat. 1st Shift: The Facility Director should be contacted. Reason: The Facility Director is in charge of the facility - he should know first hand the situation and make decisions accordingly.

Notification List. Annex III - Staff Services Director and Program Director were added to the notification list. Reason: The Staff Services Director plays an important role in the bomb response plan.

87-3-3 #14B #2 - Staff Services Director added to notification list. Reason: The Staff Services Director is a branch manager and plays an important role in the evacuation plan.

87-3-3 #15C #1 - Ward personnel change to "direct care personnel". Reason: The term "ward personnel" causes confusion on unit areas. Employees in these areas should be referred to as "direct care personnel".

Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL - D1

D1 Page 14 Medical Emerging (Code Blue) policy is revised to simplify wording and to list new emergency phone #500.

D1 Page 5 Policy is revised to prohibit smoking by anyone on wards at times when patients are restricted from smoking, and from smoking in areas where a "No Smoking" sign is displayed.

D1 Page 64 This policy establishes a staff-support means of coping with the normal feelings of shock, and loss which naturally occur following any death of a patient.

D2 Section II #3 This revision reflects the State Personnel policy on annual and sick time accumulations for part-time employees.

D2 Section I #5 Revised policy providing for orientation of new employees and outlines duties of the department head for orientation.

D2 Section I #62 A new policy establishing a Quality Assurance program for the Personnel Department.

D11 #11 Admissions - A psychosocial assessment must be completed in 14 days, rather than 10.

D11 #7 Psychosocial assessment is done within 10 days, rather than the seven days stated.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL - F-1

F1 #18 A new policy on parking permits.

F3 Cover sheet Updated to show revision.

F3 Section IV #11 Changes list of supplies needed in treatment rooms.

F2 Section III #5 Addition to policy to assure correct medical and legal procedure for rape victim.

F8 #10 Procedure for Ambulation Limitation Restraint added.

#18 Court leave added.

#26 Procedure for medication orders added to physicians orders.

F9 Cover sheet is amended to indicate revision of manual.

Title page is revised to omit "pay for performance" from policy #27.

Patient aide job description is revised to remove responsibility for medication administration and to drop high school graduate qualification.

F19 Physical Therapy - last policy added for infection control procedures.

F19 EKG last policy added for infection control procedures.

F19 EEG last policy added for infection control procedures.

F33 Policy revised to consolidate changes made in annual time, sick days, vacation time, tardiness, and use of time clock.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL - J5

J5 Policy revised to change shift assignment of patient orientation to 8-4 shift.

[Section 2 is revised as follows:

HAZELWOOD POLICY MANUAL - B-2

ADMINISTRATIVE REGISTER - 1086

87-5-1 #17A	Reorganized the sequence of personnel to report to the scene of emergency (Note IV.).	[Section 8 is revised as follows: WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL - H-9
87-5-1 #29	New policy because of the formation of an infirmary.	Cover Sheet - Have current date
87-5-5 #1A	Policy changed to reflect change in procedure within pharmacy.	Section I Policy #1 Routine Pharmacy Hours; changed from 4:00 p.m. to 4:30 p.m. closing time.
87-5-5 #2A	Policy change to reflect changes in procedure regarding coverage.	Section I Policy #7 Quality Assurance Program; revised Quality Assurance Work Report.
87-5-5 #3A	Policy changed to reflect changes in pharmacy procedure.	Section II Policy #15 The Mini Drug Room; Addition of Magnesium Citrate Oral Solution to list of drugs in refrigerator.
87-5-5 #7A	Rewording of policy.	
87-5-5 #8D	Drugs and the "automatic stop order time" updated. Procedures 5-8 new.	Section II Policy 20 Development of a Facility Formulary; Current list of drugs available in Western State Hospital Pharmacy.
87-5-5 #11A	Policy changed due to change in procedure involving scheduled drugs.	
87-5-5 #12A	Policy changed due to L & R regulations regarding prescription topicals.	Section V Policy #1 List of Authorized Prescribers; Current list of Authorized Medication Prescribers at Western State Hospital and their license number and DEA number.
87-5-5 #13A	Policy changed in order to combine to related policy.	
87-5- #14B	Policy changed to reflect changes in nursing and pharmacy procedures in regard to medications.	Section II Policy #9 Filling New Drug Orders; Changed to be applicable to ICF service.
87-5- #15A	Policy change to reflect changes in pharmacy procedure.	Section II Policy #12 Intra-Service Patient Transfer; Changed to be applicable to ICF Service.
87-5-5 #16A	Policy changed to include Infirmary.	Section IV Policy #1 Ward Inspection; Changed to show new ward numbers for ICF Wards.
87-5-5 #21A	Policy was changed to represent change in contract.	Section V Policy #4 Accepted Abbreviations and Symbols on Medication Orders; Current list of abbreviations and definitions used in Western State Hospital and Western State Hospital Intermediate Care.
87-5-5 #23A	Policy changed since pharmacist is not always able to attend IDT meeting due to inadequate coverage.	
87-5-5 #25B	Policy changed due to change in inventory system for medical supplies.	Section VI Policy #4 Storage and Disposal of Patients' Own Medication - Policy Revised - Pharmacy now keeping records of medication brought with patient upon admission to hospital and upon dismissal from hospital.
87-5- #27B	Policy changed due to opening of Infirmary.]	

[Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICIES - F

F-16 Section II, Last Page - A new procedure for power failure.

F-26 #5 Revised drug requisition form - in order to include schedule II drugs.

F-26 #19 Revision to add Magnesium Citrate Oral Solution to list of drugs in Mini Drug Room refrigerator.]

WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL - H-8]

[Complete restructure of Social Work Manual. No policy is changed but the policy is re-sectioned to simplify material in order to locate information more easily.]

ADMINISTRATIVE REGISTER - 1087

[Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL J

- | | | | |
|----------|---|----------|--|
| J-6/PT 3 | New policy sets down minimum standards on the content of pre-trial evaluations. | J-2/B-39 | Lab Procedures and EKG Procedures revised for additional information and clarification. |
| J-2/A-2 | Books for reference purposes as Nurses Stations was revised due to books being added to the Nurses Station. | J-2/B-40 | Medical Emergency Plan revised due to change in phone number. |
| J-2/A-15 | Nursing Staff Meetings, Monthly, Letter C - minutes are to be sent to Director now by the 21st of each month. | J-2/B-41 | Medical Treatments revised for clarification and added information. |
| J-2/A-27 | Work Planning and Performance Review, Letter D & F changes due to WPPR policy being revised. | J-2/B-42 | General Rules for Preparing and Administering Medications was revised due to needed clarification and change in procedure. |
| J-2/B-2 | Admission was revised for clarification and to provide more specific information. | J-2/B-43 | Oral Medication was revised due to format change, clarification, and change in procedure. |
| J-2/B-4 | Bed Bath was revised due to clarification needed in letter M. | J-2/B-45 | Injections revised due to clarification needed and format change. |
| J-2/B-5 | Blood Pressure was revised for clarification. | J-2/B-46 | Z-Track Injection Technique revised due to change in procedure. |
| J-2/B-8 | Twenty-Four Hour Census Report was revised for clarification. | J-2/B-47 | Administration of Medication by Suppository revised due to needed clarification and change in procedure. |
| J-2/B-9 | Chart Form Sequence was revised due to needed clarification, new forms to be filed in chart. | J-2/B-48 | Administering Medications, Ear, Eye, and Nose revised due to change in procedure. |
| J-2/B-10 | Charting on Inpatients was revised for clarification, change of name of form and hospital policy change. | J-2/B-58 | Outdated Drugs revised due to needed clarification. |
| J-2/B-12 | Cultures were revised for clarification. | J-2/B-62 | Off-Grounds Clinic Consultations revised due to needed clarification and information added to procedure. |
| J-2/B-13 | Dental Consultations were revised for clarification and general hospital change. | J-2/B-67 | Poisoning - Antidotes revised due to phone number change and added information in procedure. |
| J-2/B-18 | Discharge was revised for clarification. | J-2/B-81 | Suturing revised due to needed clarification. |
| J-2/B-19 | Clarifies old policy. | J-2/B-83 | T.P.R. revised due to change of format. |
| J-2/B-22 | Emergency Chart was revised for clarification and changes in procedure. | J-2/B-90 | Has been deleted due to nurses being unable to take verbal physicians orders, Licensure requirement. |
| J-2/B-23 | Emergency Drug Box was revised for clarification and changes in procedure. | J-5/A-44 | Revision to allow Senior Capital to make changes in shifts in unusual circumstances. |
| J-2/B-27 | First Aid revised due to needed clarification. | J-5/B-29 | A revision by combining two former policies. |
| J-2/B-29 | Force Fluids revised due to needed clarification. | J-1/A-43 | A new policy on how to file an incident report thoroughly. |
| J-2/B-34 | Ill or Injured Patients retyped due to needed format change. | J-1/A-2 | A rewording of policy statement - establishes a Policy & Procedure Task Force - specifies typesetting of policies.] |
| J-2/B-35 | In-Hospital Incident Report revised due to needed clarification. | | |
| J-2/B-36 | Intake and Output revised for clarification. | | |

DENNIS D. BOYD, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at 12 noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on January

21, 1984, at 9 a.m. in the Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985, of their desire to appear and testify at the hearing: Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Verna Fairchild

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedure not previously adopted by regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? Yes.

CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development (Proposed Amendment)

904 KAR 1:009. Physicians' services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to physicians' services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Physicians' Services: Covered services shall include those furnished by physicians through direct physician-patient

contact in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

Section 2. Limitations: (1) Coverage for initial and extensive visits shall be limited to one (1) visit per patient per physician per calendar year.

(2) Payment for outpatient psychiatric services rendered by other than board-eligible and board-certified psychiatrists shall be limited to four (4) such services per patient per physician per calendar year.

(3) A patient placed in "lock-in" status due to over-utilization is to receive services only from his/her lock-in provider except in the case of emergency or referral.

(4) Coverage for laboratory procedures performed in the physician's office shall be limited to those procedures listed on the agency's physician laboratory benefit schedule. Physician laboratory procedures are limited to those specified as payable, except that the professional component of laboratory procedures performed by board certified pathologists in a hospital setting or an outpatient surgical clinic are covered so long as the physician has an agreement with the hospital or outpatient surgical clinic for the provision of laboratory procedures.

(5) The cost of preparations used in injections shall not be considered a covered benefit.

(6) Telephone contacts with patients shall not be considered a covered benefit.

Section 3. The provisions of Sections 1 and 2 of this regulation shall be effective January 1, 1985 [May 1, 1983].

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at 12 noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: Approximately 15 pathologists; about 750 Medicaid recipients.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$52,000 (costs)

2. Continuing costs or savings: \$52,000 (costs)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development

904 KAR 1:022. Skilled nursing facility services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet [department], by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to skilled nursing facility services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Participation Requirements. Each facility desiring to participate as a skilled nursing facility must meet the following requirements:

(1) An application for participation shall be made to the cabinet [department] using the procedures specified by the Commissioner, Department [Bureau] for Social Insurance, Cabinet [Department] for Human Resources. A vendor number shall be assigned to the facility by the cabinet [department] when participation status is achieved.

(2) Each skilled nursing facility shall be required to have participatory status in the program of health care known as Title XVIII, Medicare, before the conditions of participation for Title XIX shall be deemed met.

Section 2. Provision of Service: Payment for services shall be limited to those services provided to eligible individuals meeting the criteria of patient status in that they require skilled nursing care on a continuous basis following an acute illness or as a result of a chronic disease and/or disability and are receiving such care in a participating facility. [No payment will be made for reserved bed days.]

Section 3. Determining Patient Status: Professional staff of the cabinet [department], or the Kentucky Peer Review Organization operating under its lawful authority pursuant to the terms of its agreement with the cabinet [department], shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or non-institutional services. Patients qualify for skilled nursing care when their needs mandate skilled nursing and/or skilled rehabilitation services on a daily basis and when, as a practical matter, the care can only be provided on an inpatient basis. Where the inherent complexity of a service prescribed for a patient is such that it can be safely and/or effectively performed only by or under the supervision of technical or professional personnel, the patient would qualify for skilled nursing care. A patient with an unstable medical condition manifesting a combination of care needs in the following areas may qualify for skilled nursing care:

(1) Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(2) Naso-gastric or gastrostomy tube feedings;

(3) Nasopharyngeal and tracheotomy aspiration;

(4) Recent and/or complicated ostomy requiring extensive care and self-help training;

(5) In-dwelling catheter for therapeutic management of a urinary tract condition;

(6) Bladder irrigations in relation to previously indicated stipulation;

(7) Special vital signs evaluation necessary in the management of related conditions;

(8) Sterile dressings;

(9) Changes in bed position to maintain proper body alignment;

(10) Treatment of extensive decubitus ulcers or other widespread skin disorders;

(11) Receiving medication recently initiated, which requires skilled observation to determine desired or adverse effects and/or frequent adjustment of dosage;

(12) Initial phases of a regimen involving administration of medical gases;

(13) Receiving services which would qualify as skilled rehabilitation services when provided by or under the supervision of a qualified therapist(s), such as: on-going assessment of rehabilitation needs and potential; therapeutic exercises which must be performed by or under the supervision of a qualified physical therapist; gait evaluation and training; range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility; maintenance therapy when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance; ultra-sound, short-wave, and microwave therapy treatments; hot pack, hydrocollator infra-red treatments, paraffin baths, and whirlpool (in cases where the patient's condition is complicated by circulatory deficiency, areas of

desensitization, open wounds, fractures or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required); and services by or under the supervision of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

Section 4. Re-evaluation of Need for Service: Skilled nursing service shall be provided for as long as the health status and care needs are within the scope of program benefits as described in Sections 2 and 3. Patient status shall be re-evaluated at least once every six (6) months. If a re-evaluation of care needs reveals that the patient no longer requires skilled care, payment shall continue for ten (10) days to permit orderly transfer to a lesser level of care. Patients in skilled facilities who would be reclassified to intermediate care patient status except for the unavailability of an intermediate care bed, may be considered to meet patient status criteria for skilled care, so long as the patient continues to reside in that facility and providing the patient's name is placed on the waiting list of suitable facilities.

Section 5. Evaluation of Patient Status for Persons with Mental Disorders. A person with a mental disorder meeting the health status and care needs specified in Sections 2 and 3 shall generally be considered to meet patient status. However, these individuals are specifically excluded from coverage in the following situations:

(1) When the cabinet [department] determines that in the individual case the combination of care needs is beyond the capability of the facility, and that placement in the skilled nursing facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility and/or staff of the facility; and

(2) When the skilled nursing care needs result directly and specifically from the mental disorder; i.e., are essentially symptoms of the mental disorder.

Section 6. Reserved Bed Days. The cabinet will cover reserved bed days (effective December 1, 1984) in accordance with the following specified upper limits and criteria.

(1) Reserved bed days will be covered for a maximum of fourteen (14) days per absence for a hospital stay with an overall maximum of forty-five (45) days during the calendar year.

(2) Reserved bed days will be covered for a maximum of fifteen (15) days during the calendar year for leaves of absence other than for hospitalization.

(3) Coverage during a recipient's absence for hospitalization or leave of absence is contingent on the following conditions being met:

(a) The person is in Title XIX payment status in the level of care he/she is authorized to receive and has been a resident of the facility at least overnight. Persons for whom Title XIX is making Title XVIII co-insurance payments are not considered to be in Title XIX payment status for purposes of this policy;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at

that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization is for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at 12 noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: About 90 participating skilled nursing facilities; some 1,770 skilled nursing patients are potentially affected.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$225,000 (costs)

2. Continuing costs or savings: \$225,000 (costs)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 1:024. Intermediate care facility services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet [department], by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provision relating to intermediate care facility services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Provision of Services: Payment for services shall be limited to those services provided to eligible individuals meeting the criteria of patient status.

Section 2. Classification of Facilities: There shall be two (2) classifications of intermediate care facilities, i.e. (i) general intermediate care facilities and (ii) intermediate care facilities for the mentally retarded and persons with related conditions.

Section 3. Definitions: The following definitions shall be applicable: (1) "Patient status," means that the individual has care needs meeting the criteria set forth in this regulation for treatment in the institutional setting.

(2) "Intermittent skilled services," means the individual requires skilled nursing services at regular or irregular intervals, but not on a twenty-four (24) hour per day basis.

(3) "Stable medical condition," means one which is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in the patient's condition and/or treatment regimen.

Section 4. Determining Patient Status: Professional staff of the cabinet [department], or the Kentucky Peer Review Organization operating under its lawful authority pursuant to the terms of its agreement with the cabinet [department], shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet the needs and the feasibility of meeting the needs through alternative institutional or non-institutional services.

(1) An individual shall be determined to meet patient status for a general intermediate care facility when the individual requires intermittent skilled nursing care, continuous personal care and/or supervision in an

institutional setting. In making the decision as to patient status, the following criteria shall be applicable:

(a) An individual with a stable medical condition requiring intermittent skilled services not provided in a personal care home is considered to meet patient status.

(b) An individual with a stable medical condition, who has a complicating problem which prevents the individual from caring for himself in an ordinary manner outside the institution is considered to meet patient status. For example, ambulatory cardiac and hypertensive patients may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet patient status.

(c) An individual with a stable medical condition manifesting a significant combination of the following care needs shall be determined to meet patient status for a general intermediate care facility when the professional staff determines that such combination of needs can be met satisfactorily only by provision of intermittent skilled nursing care, continuous personal care and/or supervision in an institutional setting:

1. Assistance with wheelchair;
2. Physical and/or environmental management for confusion and mild agitation;
3. Must be fed;
4. Assistance with going to bathroom or using bedpan for elimination;
5. Old colostomy care;
6. In-dwelling catheter for dry care;
7. Changes in bed position;
8. Administration of stabilized dosages of medication;
9. Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;
10. Administration of injections during time licensed personnel is available.
11. Services that could ordinarily be provided or administered by the individual but due to physical and/or mental condition is not capable of such self-care.
12. Routine administration of medical gases after a regimen of therapy has been established.

(d) An individual shall not generally be considered to meet patient status criteria when care needs are limited to the following:

1. Minimal assistance with activities of daily living;
2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch(es) or cane;
3. Limited diets such as low salt, low residue, reducing and other minor restrictive diets;
4. Medications that can be self-administered and/or the individual requires minimal supervision.

(e) An individual with a psychiatric primary diagnosis or needs is considered to meet patient status criteria only when the individual also has medical care needs as shown in subsection (1)(a) through (c) of this section, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility), and the individual does not require active psychiatric inpatient treatment.

(2) An individual shall be determined to meet

patient status for an intermediate care facility for the mentally retarded and persons with related conditions when the individual requires physical and/or environmental management and/or rehabilitation for moderate to severe retardation. In making the decision as to patient status the following criteria shall be applicable:

(a) An individual with significant developmental disabilities and significantly sub-average intellectual functioning who requires a planned program of active treatment to attain and/or maintain the individual's optimal level of functioning, but does not necessarily require skilled or general intermediate care facility services, is considered to meet patient status.

(b) An individual requiring a protected environment while overcoming the effects of developmental disabilities and sub-average intellectual functioning is considered to meet patient status while:

1. Learning fundamental living skills;
2. Learning to live happily and safely within his own limitations;
3. Obtaining educational experiences that will be useful in self-supporting activities;
4. Increasing his awareness of his environment.

(c) An individual with a psychiatric primary diagnosis or needs is considered to meet patient status criteria only when the individual also has care needs as shown in paragraph (a) or (b) of this subsection, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility), and the individual does not require psychiatric inpatient treatment.

(d) An individual that does not require a planned program of active treatment to attain and/or maintain the individual's optimal level of functioning is not considered to meet patient status.

(e) It is the policy of the cabinet [department] that no individual is to be denied patient status solely due to advanced age, or length of stay in an institution, or history of previous institutionalization, so long as the individual qualifies for patient status on the basis of all other factors.

(f) With regard to an individual with a "related condition" (not mental retardation), the illness or ailment must have manifested itself prior to the individual's twenty-second birthday.

Section 5. Reserved Bed Days. The cabinet will cover reserved bed days (effective December 1, 1984 for general intermediate facilities and March 1, 1982, for intermediate care facilities for the mentally retarded and persons with related conditions) in accordance with the following specified upper limits and criteria.

(1) For general intermediate care facilities, reserved bed days will be covered for a maximum of fourteen (14) days per absence for a hospital stay, with an overall maximum of forty-five (45) days during a calendar year. Reserved bed days will be covered for a maximum of fifteen (15) days during a calendar year for leaves of absence other than for hospitalization.

(2) For intermediate facilities for the mentally retarded and persons with related conditions, reserved bed days will be covered for a maximum of forty-five (45) days within a

calendar quarter. Reserved bed days for hospital stays may not exceed fifteen (15) days per stay. No more than thirty (30) consecutive reserved bed days (for hospital stay(s) plus leave(s) of absence, or leave of absence only) may be approved for coverage.

(3) Coverage during a recipient's absence for hospitalization or leave of absence is contingent on the following conditions being met.

(a) The person is in Title XIX payment status in the level of care he/she is authorized to receive and has been a resident of the facility at least overnight;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization is for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs. [Limitations on Services. No payment will be made for reserved bed days.]

Section 6. Re-evaluation of Need for Service: Intermediate care shall be provided for as long as the health status and care needs are within the scope of program benefits. Patient status shall be re-evaluated at least every six (6) months. If the re-evaluation reveals that the patient's condition indicates the need for a different level of care, payment shall continue for a maximum of ten (10) days to provide for orderly transfer to the appropriate level of care.

Section 7. Hearing Rights: Any applicant/recipient determined not to meet patient status may appeal that decision in accordance with 904 KAR 1:075 or 904 KAR 2:055, as applicable.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at 12 noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: About 193 participating intermediate care facilities; some 11,223 ICF patients are potentially affected.

(a) Direct and indirect costs or savings to

those affected: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
 - (b) Reporting and paperwork requirements: None
- (2) Effects on the promulgating administrative body:
 - (a) Direct and indirect costs or savings:
 1. First year: \$1,375,000 (costs)
 2. Continuing costs or savings: \$1,375,000 (costs)
 3. Additional factors increasing or decreasing costs: None
 - (b) Reporting and paperwork requirements: None
 - (3) Assessment of anticipated effect on state and local revenues: None
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 1:045. Payments for mental health center services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for mental health center services.

Section 1. Mental Health Centers. In accordance with 42 CFR 447.325, the cabinet shall make payment to Kentucky based (in-state) providers who are appropriately licensed and have met the conditions for participation (including the signing of such contractual arrangements as the cabinet may require of this class of provider) set by the cabinet, on the following basis:

(1) Payment shall be on a prospective basis based on reasonable allowable prior year costs (utilizing the latest audited annual cost report or unaudited report if an audited report is not available) not to exceed usual and customary charges or the upper limits on payments. Allowable costs shall be trended to the beginning of the rate year and indexed for the rate year, so as to more accurately approximate

actual costs which will be incurred during the year. (If an unaudited report is used, cost will not be adjusted based on audit.)

(2) Payment amounts shall be determined by application of the "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement," (revised July 1, 1984) developed and issued by the cabinet, (incorporated by reference to the extent that such policies, guidelines and principles are applicable to Title XIX services and reimbursement, and filed herein), supplemented by the use of Title XVIII reimbursement principles.

(3) Allowable costs shall not exceed customary charges which are reasonable. Allowable costs shall not include the costs associated with political contributions, membership dues, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs.

(4) The prospective rate shall not exceed 110 percent of the median of the reasonable allowable cost for each reimbursable departmental cost center (i.e., inpatient, outpatient, partial hospitalization and personal care) for all participating facilities.

Section 2. Implementation of Payment System.

(1) Payments may be based on units of service such as fifteen (15) minute or hourly increments, or at a daily rate, depending on the type of service.

(2) Overpayments discovered as a result of audits may be settled in the usual manner, i.e., through recoupment or withholding.

(3) The vendor shall complete an annual cost report on forms provided by the cabinet not later than sixty (60) days from the end of the vendor's accounting year and the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.

(4) Each community mental health center provider shall make available to the cabinet at the end of each fiscal reporting period, and at such intervals as the cabinet may require, all patient and fiscal records of the provider, subject to reasonable prior notice by the cabinet.

(5) Payments due the community mental health center shall be made at reasonable intervals but not less often than monthly.

Section 3. Nonallowable Costs. The cabinet shall not make reimbursement under the provisions of this regulation for services not covered by 904 KAR 1:044, community mental health center services, nor for that portion of a community mental health center's costs found unreasonable or nonallowable in accordance with the cabinet's "Community Mental Health Center General Policies and Guidelines and Principles of Reimbursement."

Section 4. Reimbursement of Out-of-State Providers. The cabinet shall make payment to

out-of-state mental health center providers who are appropriately licensed, participate with their state's Title XIX Medicaid Program, and have met the Kentucky Medical Assistance Program conditions of participation. The payment rate will be the lower of charges, or the facility's rate as set by the state Medicaid Program in the other state, or the upper limit for that type of service in effect for Kentucky providers.

JACK F. WADDELL, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: One out-of-state mental health center; approximately 30-50 Medicaid recipients

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations

CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management and Development (Proposed Amendment)

904 KAR 1:055. Payments for primary care center services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for primary care center services.

Section 1. Primary Care Centers. In accordance with 42 CFR 447.325, the cabinet shall make payment to providers who are appropriately licensed and have met the conditions for participation set by the cabinet, on the following basis:

(1) Payment shall be made on the basis of reasonable allowable cost.

(2) Payment amounts shall be determined by application of the "Primary Care Center General Policies and Guidelines and Principles of Reimbursement" (revised November [July] 1, 1984, and hereby incorporated by reference) developed and issued by the cabinet, supplemented by the use of title XVIII-A reimbursement principles.

(3) Allowable costs shall not exceed customary charges which are reasonable.

(4) Reimbursement for medical and nursing cost center costs shall be subject to adjustment for a growth allowance. The growth allowance shall be computed for the year beginning each July, and shall be based on a projection of the change in the medical component of the Consumer Price Index over the previous year as applied to the median service cost of medical and nursing services, on a per visit basis, for all participating providers. Increases in medical and nursing center costs in excess of the growth allowance shall be disallowed. For those facilities with medical and nursing cost increases which are less than the growth allowance, the difference between the two (2) shall be reimbursable as a cost containment incentive payment at the time of the usual cost settlement.

(5) During the first six (6) months after the implementation of the policy contained in Section 1(4) of this regulation, centers with fiscal year endings occurring in the six (6) month period shall not have medical and nursing center costs disallowed as a result of imposition of the growth allowance upper limit, but shall be entitled to receive any applicable incentive payment.

(6) The amount of any allowable incentive payment determined pursuant to the policy specified in Section 1(4) of this regulation may not exceed the growth allowance, and must be added to allowable costs for application of the lower of costs or charges principle.

Section 2. Implementation of the Payment

System. (1) The reimbursement system developed by the cabinet for primary care centers is supported by the Title XVIII-A reimbursement principles which will serve as guidelines for determining reasonable allowable cost in areas not addressed specifically by the cabinet.

(2) The system shall utilize a method whereby primary care providers are paid an interim rate based on a reasonable estimation of current year costs followed by a year end adjustment to actual reasonable allowable costs. When the need can be demonstrated, adjustment to an interim rate will be made.

(3) The vendor shall complete an annual cost report on forms provided by the cabinet not later than sixty (60) days from the end of the vendor's accounting year and the vendor shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services rendered eligible recipients.

(4) Each primary care center provider shall make available to the cabinet at the end of each fiscal reporting period, and at such intervals as the cabinet may require, all patient and fiscal records of the provider, subject to reasonable prior notice by the cabinet.

(5) Interim payments due the primary care center shall be made at reasonable intervals but not less often than monthly.

Section 3. Prohibition Against Joint Participation. Dual or joint participation in the medical assistance program by a primary care center is not permitted. When a primary care center elects to participate as such in the medical assistance program it may not participate concurrently under other regular ongoing elements of the medical assistance program, including the rural health clinic services element. In addition, when a center elects to participate as such in the medical assistance program, it is considered to elect participation for all eligible service elements, components, or sub-units of the center.

Section 4. Nonallowable Costs. The cabinet shall not make reimbursement under the provisions of this regulation for services not covered by 904 KAR 1:054, primary care center services, nor for that portion of a primary care center's costs found unreasonable or nonallowable in accordance with the cabinet's "Primary Care Center General Policies and Guidelines and Principles of Reimbursement." In addition, when the utilization review processes

of the cabinet find that costs have been incurred through provision of unnecessary medical treatment services, such costs shall be disallowed.

JACK F. WADDELL, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1984

FILED WITH LRC: December 14, 1984 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 21, 1985 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1985, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: 1 primary care center

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: \$45,000 (costs)

2. Continuing costs or savings: \$45,000 (costs)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations

PROPOSED REGULATIONS RECEIVED THROUGH DECEMBER 15

FINANCE AND ADMINISTRATION CABINET Department for Administration

200 KAR 8:030. Allocation of driving under the influence service fees.

RELATES TO: KRS Chapters 44 and 189

PURSUANT TO: KRS 13A.350

NECESSITY AND FUNCTION: In addition to all other penalties authorized by law, KRS 189A.050 imposes a \$150 service fee upon persons

convicted of driving under the influence of alcohol or other substance impairing one's driving ability. This fee is to be used to fund enforcement, education and treatment programs provided for under the driving under the influence laws, for recordkeeping, and for the support of jails, as authorized by Senate Bill 20, Chapter 165 of the Acts of the 1984 General Assembly. This regulation provides for the allocation of the fee for the purposes specified in the act.

Section 1. Circuit clerks shall report to the Finance and Administration Cabinet and pay into the state treasury the fee imposed by KRS 189A.050 upon persons convicted of driving under the influence of alcohol or other substance impairing driving ability at the time other fees, fines, and forfeitures adjudged in the courts of their counties, are reported and paid into the treasury, as provided in KRS 30A.190.

Section 2. Circuit clerks shall remit \$100 of the service fee to the Finance and Administration Cabinet for each person convicted of a first offense of driving under the influence. The offender shall be advised that the remaining fifty (50) dollar service fee will be probated contingent upon utilization by the offender of such sum to pay for approved education and/or treatment services provided for first offenders. Any charges for such services in excess of the fifty (50) dollars shall be paid by the offender. The fifty (50) dollars shall be collected from the offender and paid into the state treasury if the offender declines to participate in an education and/or treatment program.

Section 3. Circuit clerks shall remit the full amount of the service fee to the Finance and Administration Cabinet for second and subsequent offenders. The offender shall be responsible for all treatment costs.

Section 4. The fees shall be allotted quarterly, on a percentage basis, to the agencies, and for the purposes, hereinafter indicated:

(1) Transportation Cabinet - Four (4) percent for furnishing copies of driver history records to courts for use in driving under the influence cases.

(2) Cabinet for Human Resources - Forty-five (45) percent for costs of treatment programs for indigent offenders.

(3) Justice Cabinet - Twenty-six (26) percent for enforcement activities under the provisions of KRS 189.010.

(4) Finance and Administration Cabinet - Twenty-five (25) percent for distribution to counties in which drunk driving convictions are adjudged to assist in expense of maintaining jails, and which shall be in addition to other jail costs allowed by the state.

Section 5. Fees collected and paid into the State Treasury prior to the effective date of this regulation shall be allocated as provided in Section 4 of this regulation.

GORDON C. DUKE, Secretary

APPROVED BY AGENCY: December 14, 1984

FILED WITH LRC: December 14, 1984 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled at 10 a.m. on January 22, 1985, in Room 322, Capitol Annex Building, Frankfort, Kentucky 40601. Persons interested in attending this hearing shall contact: M. E. Combs, Director, Division of County and Municipal Accounting, Finance and Administration Cabinet, Capitol Annex Building, Frankfort, Kentucky 40601. (502) 564-3710.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Charles D. Wickliffe, Attorney

(1) Type and number of entities affected: Four (4) state agencies; 120 counties.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: Precise impact unknown but expected to be negligible.

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: A modest increase in local revenues should accrue as a result of distribution of fees to offset costs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No identifiably alternative method available.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: Purpose of regulation is to provide for the allocation of drunk driving fees for expenditure for the purposes for which such fees were imposed by Senate Bill No. 20, 1984 General Assembly.

Tiering:

Was tiering applied? No. Inapplicable to the purpose of this regulation.

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Allocation of driving under the influence service fees.

SPONSOR:

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE:

TYPE OF MANDATE:

LEVEL(S) OF IMPACT: County, urban county government

BUDGET UNIT(S) IMPACT:

FISCAL SUMMARY:

MEASURE'S PURPOSE: This regulation provides for the allocation to the Finance and Administration Cabinet of 25 percent of the driving under the influence fees collected and paid into the State Treasury for distribution to counties, including urban county governments for the support of jails as authorized by KRS 189A.050.

PROVISION/MECHANICS: Funds will be distributed either monthly or quarterly as may be determined is the most efficient means of handling distribution. The Division of County and Municipal Accounting will be responsible for administration of the program.

FINANCE & ADMINISTRATION CABINET
Kentucky State Board of Medical Licensure

201 KAR 9:018. Physician advertising.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: This regulation delineates limits of permissible professional advertising with the aim of adequately informing the public about physician services while at the same time establishing safeguards to protect the public or any member thereof from false, fraudulent, misleading, deceptive, self-laudatory or unfair statements.

Section 1. This regulation shall apply to all physicians licensed to practice medicine or osteopathy in the Commonwealth. It shall apply in regard to all advertising of whatever type and wherever published.

Section 2. Advertising may be by any medium provided that the advertisement is not in any manner fraudulent, misleading, deceptive, unfair or undignified. A specific advertisement shall be considered undignified if a reasonable person would be induced more by the form of the advertisement than by the substantive information concerning professional services being advertised.

Section 3. The following may not be advertised: (1) Testimonials of patients as to the physician's skill or the quality of his or her professional services;

(2) Claims regarding the physician's experience, competency and quality of services which imply that he or she possesses an exclusive and unique skill or remedy;

(3) Claims which cannot be readily verified by objective standards; and,

(4) Any representation expressly prohibited under KRS 311.597(2).

Section 4. An advertisement may be sent to an individual addressee only if that addressee is one of a class of persons, other than a family to whom it is sent at the same time, and only if it is not prompted or precipitated by a specific event or occurrence involving or relating to the addressee as distinct from the general public.

Section 5. Violation of any provision of this regulation will be considered dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or a member thereof pursuant to KRS 311.595(8) and 311.597(2).

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: November 15, 1984

FILED WITH LRC: November 29, 1984 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 25, 1985 at 1 p.m. EST at the offices of the Kentucky Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205. Those interested in attending this hearing shall contact in writing: C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

REGULATORY IMPACT ANALYSIS

AGENCY CONTACT PERSON: C. William Schmidt, Executive Director

201 KAR 9:018 is designed to establish standards for advertising by physicians licensed to practice medicine in the Commonwealth. Although physician advertising is rare, the regulation potentially affects all of the approximately 6,000 physicians licensed by the Board. The regulation has no direct cost effects for the Board or the state generally, however, it hopefully will curtail acts of misconduct regarding the advertising of physician services.

No alternative methods to control physician advertising were considered as none are readily available that are effective. The regulation does not conflict with, overlap or duplicate any other regulation or statute, although it is designed to be in harmony with KRS 311.597(2) dealing with fraudulent misrepresentations.

TIERING WAS NOT APPLIED: This regulation is not appropriate for tiering pursuant to KRS 13A.210. Medical and osteopathic licensure and discipline is implemented uniformly in regard to all physicians who have equal rights and responsibilities.

TRANSPORTATION CABINET
Department of Highways

600 KAR 2:010. Toll assessment on turnpikes.

RELATES TO: KRS 175.450, 175.470, 175.520

PURSUANT TO: KRS 174.080, 175.470, 175.520

NECESSITY AND FUNCTION: KRS 175.450 authorizes the Turnpike Authority to fix, revise, charge, and collect tolls for transit over each turnpike project except to the extent that this authority is surrendered to the Department of Highways pursuant to a lease. This authority has been surrendered to the Department of Highways. This administrative regulation has been promulgated to establish the tolls to be collected at each toll collection station for each vehicle classification.

Section 1. The toll schedules set forth in TC34-12, "Transportation Cabinet, Division of Toll Facilities, Toll Schedule" revised August 1984 and the Vehicle Classification Chart, Form TC34-15, revised December, 1984 are hereby adopted and incorporated by reference as a part of this administrative regulation. All vehicles except those exempted by 600 KAR 2:020 and vehicles owned by the Commonwealth and operated by the Kentucky National Guard and the Kentucky Transportation Cabinet must pay the toll shown on the toll schedule for each vehicle classification.

STEPHEN REEDER, Commissioner

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on this administrative regulation on January 22, 1985, at 1:30 p.m. EST, in the fourth floor hearing room of the State Office Building, located on the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in

writing so notify the following no later than January 17: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All operators of vehicles traveling on toll roads.

(a) Direct and indirect costs or savings to those affected:

1. First year: \$21 million cost

2. Continuing costs or savings: Approximately \$21 million a year

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$21 million collected in tolls each year but it cost approximately \$10 million to collect the tolls and administer the program.

2. Continuing costs or savings: Same as (2)(a)1

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: A complex and careful accounting of all tolls collected

(3) Assessment of anticipated effect on state and local revenues: \$11 million generated for the Transportation Fund each year

(4) Assessment of alternative methods; reasons why alternatives were rejected: Increase tolls--rejected at this time in the public interest. Free the toll roads--rejected because the funds generated are to the maintenance of the toll roads.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: The tolls are tiered. The more damage a vehicle might do to the highway the greater the toll. In addition, the toll schedule has not changed in many years.

Tiering:

Was tiering applied?

TRANSPORTATION CABINET Department of Highways

600 KAR 2:020. Emergency vehicles and vehicles in processions on the toll roads.

RELATES TO: KRS 175.450, 175.470, 175.520

PURSUANT TO: KRS 174.080, 175.470, 175.520

NECESSITY AND FUNCTION: The Department of Highways is authorized to charge and collect toll for transit over each turnpike project. The department has determined that emergency vehicles operating on the turnpikes toll roads should be exempt from paying tolls during the time of an emergency. The administrative regulation also sets forth the manner in which emergency vehicles and vehicles in processions

may be processed through a toll collection station.

Section 1. Ambulance Transportation Services.

(1) The Transportation Cabinet shall establish a nonpaying toll road identification card account for each ambulance transportation service licensed by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board in accordance with 902 KAR 20:115.

(2) During emergency trips on a toll road when the emergency lights of an ambulance are flashing, the toll collector shall pass the ambulance through the least congested lane of a toll collection station without attempting to stop or process the vehicle.

(3) Each ambulance owned by a licensed ambulance transportation service may be issued a nonpaying identification card for use on the toll road during trips not involving an emergency. The identification card may be presented in lieu of a toll payment by the driver of the ambulance at a toll collection station. The identification card shall not be used except for official business.

Section 2. State Police Vehicles. (1) The Transportation Cabinet shall establish a nonpaying toll road identification card account for the Kentucky State Police.

(2) During emergency trips on the toll roads when the emergency lights of a Kentucky State Police vehicle are flashing, the toll collector shall pass the state police vehicle through the least congested lane of traffic without attempting to stop or process the vehicle.

(3) The Kentucky State Police will be issued nonpaying identification cards for use by their employees on the toll roads during trips not involving an emergency. The identification card may be presented in lieu of toll payment at a toll collection station. The identification card shall not be used except for official business.

Section 3. Emergency Fire Department Vehicles, Local Police Vehicles, and Other Emergency Vehicles.

(1)(a) During emergency trips of fire department, local police or other emergency vehicles on a toll road when the emergency lights of the vehicle are flashing, the toll collector shall pass the emergency vehicle through the least congested lane of traffic without attempting to stop or process the vehicle.

(b) When the fire department, local police, or other agency has been called out by the Division of Toll Facilities under emergency conditions, the return passage, although it will not be under emergency conditions, shall also be toll free.

(2) During trips on the toll roads not involving an emergency, the operator of the vehicles set forth in this section must stop at each toll collection station and pay the toll as required by 600 KAR 2:010, Toll assessment on turnpikes.

Section 4. Funeral Processions, United States Military Convoys, and Other Processions. Each vehicle in a funeral, United States military, or other type convoy or procession is required to pay the toll at each toll collection station. Arrangements may be made to allow all vehicles

in the convoy to pass through the toll collection station using one (1) or more credit cards by contacting the Transportation Cabinet, Division of Toll Facilities, State Office Building, Frankfort, Kentucky 40622, in advance of the convoy date(s). The convoy or procession may request a special procession credit card from the Division of Toll Facilities.

STEPHEN REEDER, Commissioner
FLOYD G. POORE, Secretary

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on this administrative regulation on January 22, 1985 at 1:30 p.m. EST in the fourth floor hearing room of the State Office Building, Corner of High and Clinton Streets, Frankfort, Kentucky 40622. Any person who intends to attend this hearing must in writing not later than January 17, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All emergency and state police vehicle operators which use the Commonwealth's toll roads.

(a) Direct and indirect costs or savings to those affected: Saving the cost of paying the toll at each collection point but the time saved during an emergency has an incalculable benefit.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: For some the application for a nonpaying toll road identification card

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The loss in tolls from these emergency vehicles.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Tolls could have been assessed/rejected because of the public benefit derived in not delaying emergency vehicles.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Only emergency vehicles should be afforded the opportunity of traveling toll free.

TRANSPORTATION CABINET Department of Highways

600 KAR 2:030. Toll road credit cards.

RELATES TO: KRS 175.450, 175.470, 175.520

PURSUANT TO: KRS 174.080, 175.470, 175.520

NECESSITY AND FUNCTION: Tolls are charged on Kentucky's turnpike or toll road system in accordance with 600 KAR 2:010. Some companies and individuals make extensive use of the toll roads. To simplify payment for such companies or individuals, the department has promulgated this administrative regulation to establish eligibility criteria for a credit card account, the application, the billing procedures, and the account termination.

Section 1. Application for a Toll Road Credit Card. Applicants for a commercial toll road credit card account must submit a completed form TC34-39, "Application for Credit Card Account" to the Transportation Cabinet. Forms are available from and must be submitted to the Transportation Cabinet, Division of Toll Facilities, 9th Floor, State Office Building, Frankfort, Kentucky 40622. (Phone No. 502/564-4644)

Section 2. Credit References. (1) On the "Application for Credit Card Account" the applicant must list at least three (3) companies as credit references including at least one (1) bank. Upon receipt of the completed application, the Transportation Cabinet shall request a credit status from each company. A positive credit status must be received from three (3) companies including at least one (1) bank or the credit card account shall be denied.

(2) If in addition to the three (3) positive credit status reports a negative report is received, the Transportation Cabinet may deny the company or individual a credit card account.

Section 3. Minimum Use. (1) Because of the cost of administering this program, all credit card accounts shall maintain a minimum monthly usage average of twenty-five (25) dollars for any six (6) month period.

(2) A company or individual whose business is seasonal may make special arrangements with the Transportation Cabinet to maintain a minimum monthly usage average of twenty-five (25) dollars for a time period other than six (6) months.

(3) Failure of a company or individual to maintain the above required minimum credit card usage may result in cancellation of the credit card account.

Section 4. Bill and Payment. (1) Each active credit card account shall be sent an itemized bill by the Transportation Cabinet on a monthly basis.

(2) The payment due date must be included on each billing. The payment due date must be at least twenty-five (25) days from the date the bill is mailed to the credit card customer.

(3) The credit card customer must pay his bill by the due date.

(4) If the credit card customer is delinquent in paying his bill, the credit card account may be cancelled. Any credit card account which has been delinquent more than five (5) times during

the life of the account may be permanently cancelled.

(5) If a credit card customer's payment check is returned to the Transportation Cabinet for insufficient funds the account shall be cancelled immediately.

(6) After cancellation of a credit card account, the credit card customer may apply in writing for reinstatement of his account. Reinstatement is at the sole discretion of the Transportation Cabinet.

Section 5. No Charge for Credit Card Service.

(1) The Transportation Cabinet shall impose no charge for maintaining the credit card accounts which includes issuance of cards, replacement of cards, billing and payment processing.

(2) Each credit card customer must pay all toll charges made by any person using any credit card assigned to the associated credit card account unless and until the Transportation Cabinet, Division of Toll Facilities, has received notice that the credit card has been lost, stolen or cancelled.

Section 6. Cancellation. The Transportation Cabinet may cancel a credit card account for any reason stated in this administrative regulation and also for any reason which the cabinet, in its sole discretion, determines to be good cause for such cancellation.

Section 7. Return of Cards. If for any reason a credit card is cancelled, the credit card customer shall immediately return it to the Transportation Cabinet, Division of Toll Facilities.

STEPHEN REEDER, Commissioner

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on this administrative regulation on January 22, 1985 at 1:30 p.m. EST in the fourth floor hearing room of the State Office Building, Corner of High and Clinton Streets, Frankfort, Kentucky 40622. Any person who intends to attend this hearing must in writing not later than January 17, 1985 so notify: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: 1350 companies or individuals with credit card accounts

(a) Direct and indirect costs or savings to those affected:

1. First year: Savings of administrative cost of not having to provide vehicle operators with \$2.5 million to pay tolls. Permits the companies to pay just one monthly bill, thereby reducing their paperwork.

2. Continuing costs or savings: Same as above

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Applications for credit card account

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Cost of administering the credit card program but there is an indirect savings resulting from the reduction in processing time at a toll booth when a credit card is used.

1. First year: Approximately \$80,000 to \$100,000 in administrative costs

2. Continuing costs or savings: Approximately the same each year

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Preparation of monthly billing which includes computerized listing of each time each card was used

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Allow no credit card program—rejected because this program provides a benefit to the companies participating as well as the Transportation Cabinet by allowing more rapid processing of credit card customers through toll collection booths.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All companies or individuals applying for a toll road credit card should be treated the same.

TRANSPORTATION CABINET Department of Highways Division of Traffic

603 KAR 5:150. Encroachment permits.

RELATES TO: KRS 176.050, 177.106

PURSUANT TO: KRS 176.050

NECESSITY AND FUNCTION: KRS 176.050 requires the Department of Highways to prescribe regulations for the care and maintenance of roads after they have been constructed. This administrative regulation provides the policies and procedures in maintenance of highways to allow encroachments onto a highway or right-of-way.

Section 1. (1) The following manual published by the Kentucky Transportation Cabinet, Department of Highways, is incorporated herein by reference and made a part hereof as fully as if set forth in length: "Kentucky Department of Highways Permits Guidance Manual," Chapters One and Two, as amended September 24, 1984 and October 22, 1984.

(2) Copies of the "Kentucky Department of Highways Permits Guidance Manual" may be obtained from the Division of Management Services, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

(3) This document contains the policies and procedures that are used by the Department of Highways, Division of Traffic Permits Section.

Topics covered are:

(a) Chapter One: General Information-Encroachment Permits. Chapter One defines the terms used in this manual and explains types of encroachment permits, related processing forms, bookkeeping methods and application documentation procedure. General safety requirements are outlined and indemnity requirements and procedures are listed. References and specifications from other sources are listed along with requirements for restoration of right-of-way and maintenance of the encroachments. Legal and obligatory considerations are included and exhibits are provided for the various forms and documentation.

(b) Chapter Two: Permittable Encroachments. Chapter Two includes policy, conditions and requirements for the various types of permittable encroachments. Cost participation procedures and safety requirements particular to each type of permit are explained. The types of permittable encroachments included are:

1. Utilities.
2. Entrances and related roadway modifications.
3. Grading and/or landscaping.
4. Geophysical surveys.
5. Ponding of water on right-of-way.
6. Air space.
7. Treated sewage effluent.
8. Right-of-way fence replacement.
9. Dispense refreshments on holidays.
10. Mailbox turnouts.
11. Garbage containers.
12. Transit shelters.
13. Trim or cut trees.
14. Use of chemicals.
15. Fairs, parades, festivals and banners.

Standard drawings and specifications particular to different types of encroachment permits are included in this chapter.

STEPHEN REEDER, Commissioner

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on January 22, 1985 at 1 p.m., local prevailing time in the 4th floor hearing room located in the State Office Building at the corner of High and Clinton Streets in Frankfort, Kentucky 40622. Any person who intends to attend this hearing must in writing by January 17, 1985 so notify: Larry E. Moore, Office of the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: All persons and companies wishing to encroach on state right-of-way

(a) Direct and indirect costs or savings to those affected: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Applications including detailed design plans and engineering reports

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Review and issuing permits. Retain permits.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Choices on encroachment permits were:

a) Let anyone encroach anywhere freely or

b) Let no one encroach at all.

Neither alternative was practical from a safety or economic viewpoint, therefore this regulation is necessary to establish a procedure for permitting encroachments.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All encroachments are processed in the same manner.

TRANSPORTATION CABINET Department of Highways Division of Traffic

603 KAR 5:160. Traffic signal installations.

RELATES TO: KRS 189.231, 189.337

PURSUANT TO: KRS 189.231

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Commissioner of Highways to restrict and regulate traffic on certain roads and requires drivers to obey any traffic control devices installed. 603 KAR 5:050 provides that all traffic control devices installed on any road or street shall conform to the "Federal Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). This regulation is necessary to define conditions under which traffic signals may be installed for fire station entrances and private developments.

Section 1. Fire Station Entrances. (1) In order to expedite the entry of fire-fighting equipment onto a street or highway from a fire station, the Department of Highways may approve the installation of a traffic signal at the station entrance. As part of such approval, the requesting agency or organization shall agree to bear all costs of equipment, installation, and future maintenance.

(2) The application for this request shall be submitted on forms available from the highway district office which serves the area. The applicant shall complete the request forms and forward them to the appropriate chief district engineer for review.

(3) The specifications for equipment, installation details, and future maintenance requirements will be available to prospective applicants from the highway district office and/or as enumerated in the Guidance Manual for

the Division of Traffic.

Section 2. Private Commercial Developments. When a private commercial development generates sufficient traffic to warrant a signal operation or is constructed in a manner that presents a hazard if the traffic movements are not controlled as a part of an existing signal installation, the Department of Highways may require or permit traffic signals or signal components to be installed in accordance with MUTCD standards.

(1) Engineering requirements. When the owner of a private commercial development determines that signals may be required for the development, he shall furnish to the Department of Highways an engineering study that will enable the department to determine if the development meets established engineering requirements for signalization. The engineering study must be attached to an application form requesting that the traffic signalization be installed. Application forms are available from the highway district office which serves the area where the development occurs. The completed application must be submitted to that district office.

(2) Requirements and conditions. Traffic signals shall be installed in accordance with established traffic engineering requirements and all such equipment shall become the property of and shall be maintained by the Department of Highways. In all cases where equipment such as poles or detectors is installed off Department of Highways' right-of-way, the owner of a private commercial development shall provide an easement to the department for the installation and maintenance of such equipment.

(3) Cost participation. The cost of the traffic signal installation(s) shall be shared equally by the owner of a private commercial development and the Department of Highways. Such costs may include engineering, materials, labor, equipment, travel and administration expenses of the department and/or the actual cost of performing the installation through contract by competitive bidding. The department shall prepare the necessary plans. The owner shall be required to deposit with the department a cashier's or certified check in the amount of one-half (1/2) of the estimated cost prior to the preparation of plans and enter into an agreement with the department to pay the balance of his share of actual costs upon completion of the installation. The department shall either install the necessary signal equipment with department forces or contract by competitive bidding for the construction of such installation. After the signal(s) is installed and the final cost has been determined, the owner shall either receive any necessary refund or pay any additional cost for such installation within thirty (30) days after receipt of billing. Any modification to the private commercial development entrance necessary to accommodate signalization shall be the responsibility of the owner, at no expense to the department, including any necessary easement(s) as stated in subsection (2) of this section.

(4) If the department determines upon the basis of MUTCD standards that a private commercial development meets established engineering requirements for signalization and

the owner of the private commercial development has not applied for a signal to be installed in accordance with the requirements of the developer's encroachment permit issued in accordance with 603 KAR 5:150, the department may require that the owner participate in such installation. The provisions in subsections (2) and (3) of this section shall apply in such cases.

STEPHEN REEDER, Commissioner

APPROVED BY AGENCY: December 13, 1984

FILED WITH LRC: December 14, 1984 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on January 22, 1985 at 11 a.m. in the fourth floor hearing room of the State Office Building, corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing, by January 17, 1985, so notify: Larry E. Moore, Chief Administrative Assistant, Office of the Secretary, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry E. Moore

(1) Type and number of entities affected: Private commercial development owners and fire fighting organizations

(a) Direct and indirect costs or savings to those affected: Such cost and savings cannot be quantified since the number of developments varies from year to year. The cost of each installation is \$20,000 which is minimal compared to the decrease in business which would occur if the signal were not installed.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Preparation of engineering report which justifies the need for the installation and application for traffic signals.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: One-half of the cost of installing a traffic signal at the private commercial developments. This has an average cost of \$20,000 or \$10,000 to the agency.

1. First year: Unknown

2. Continuing costs or savings: Maintenance of the installations, which is minimal.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Allow no traffic installations at fire stations or private commercial developments rejected because they add a measure of safety for the traveling public. Transportation Cabinet pay for entire cost of installing traffic signals - rejected because the major economic benefit of installing the signal accrues to the owner of the private commercial development.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known

overlaps, conflicts or duplications.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: The administrative regulation sets forth the procedure by which the Transportation Cabinet can provide a service to the traveling public as well as the owners of such developments. Without traffic signal installations at the entrance to many malls and shopping centers it would be exceedingly difficult for the public to safely obtain ingress and egress. Allowing the placement of a traffic signal at the entrance to a fire station allows the fire fighting equipment to ingress or egress safely.

Tiering:

Was tiering applied? No. All private commercial development owners should be treated the same. All fire fighting organizations should be treated the same.

TRANSPORTATION CABINET
Department of Highways

603 KAR 8:010. Transportation scholarship program.

RELATES TO: 1984 Acts Chapter 418

PURSUANT TO: KRS 174.080

NECESSITY AND FUNCTION: An adequate staff is essential to the efficient operation of the engineering functions within the Transportation Cabinet. The purpose of the Transportation Scholarship Program is to provide highly qualified individuals to fill the cabinet's needs and improve the overall engineering expertise available within the cabinet. This regulation provides policy and procedure for the Transportation Scholarship Program for civil engineers and civil engineering technologists, or other branches of engineering if approved by the Secretary of Transportation.

Section 1. Responsibilities. (1) The Secretary of Transportation is responsible for approving scholarships in engineering branches other than civil engineering when a need exists in the Transportation Cabinet.

(2) The State Highway Engineer, subject to the approval of the Secretary of Transportation, shall be responsible for the overall policies, guidance, administration, and proper utilization of the Transportation Scholarship Program.

(3) Universities participating in the program shall enter into a written agreement with the Transportation Cabinet in which the university agrees to accept the following responsibilities:

(a) Appoint a scholarship selection committee from the faculty of the university department affected. That committee will receive and review applications for scholarships to attend their university and make recommendations for awards to the State Highway Engineer.

(b) Notify all successful applicants of requirements for enrollment and attendance at the university.

(c) Provide academic guidance and counseling to each scholarship recipient.

(d) Provide to the Transportation Cabinet

semester grades, semester grade point averages, and overall grade point averages for each scholarship student.

(e) Aid the cabinet in overall coordination of the program and provide space for meetings.

(f) Notify the cabinet immediately if any scholarship student fails to enroll or attend the university, or leaves the university.

Section 2. Eligibility. To be eligible for a scholarship, an applicant must be:

(1) A senior attending an accredited Kentucky high school, or a high school graduate who is a resident of Kentucky; or

(2) A university student enrolled in pre-engineering, engineering, or engineering technology who is a resident of Kentucky and who meets minimum academic standards established by the Transportation Cabinet.

Section 3. Application for Scholarship. An eligible applicant shall submit a scholarship application to the university the applicant desires to attend by the deadline listed on the application. Application forms are available at each of the participating universities, accredited Kentucky high schools or the Kentucky Transportation Cabinet, Office of the State Highway Engineer, State Office Building, Frankfort, Kentucky.

Section 4. Award of Scholarship. Scholarships will be awarded by the State Highway Engineer in accordance with recommendations by the university scholarship selection committees, except the numbers of scholarships may be reduced because of funding limitations, and except a scholarship may be denied to any student whose performance during work assignments with the cabinet has been unsatisfactory.

Section 5. Priority System. (1) Should the cabinet's need for civil engineers or civil engineering technologists exceed the supply of available funds, a priority system for awarding scholarships will be put into effect by the State Highway Engineer.

(2) Priority will be given as follows:

(a) Priority 1 - University seniors already in the program.

(b) Priority 2 - University juniors already in the program.

(c) Priority 3 - University sophomores already in the program.

(d) Priority 4 - Upper-class university students not in the program.

(e) Priority 5 - High school graduates applying for university freshman scholarships.

Section 6. Benefits. (1) Subject to the availability of funds and changes in the cost of attending the universities, benefits for the scholarship students shall consist of a monthly stipend paid during the normal academic year.

(2) Stipend payments will not be made during summer school unless a student is attending a surveying camp which is required for graduation and for which university credit is awarded. Such students will continue on stipend during the camp.

(3) Benefits shall be payable to scholarship recipients enrolled in pre-engineering, civil engineering, or civil engineering technology at

a state university which has a written agreement with the Transportation Cabinet. Scholarship recipients enrolled in other engineering programs will be paid benefits only if the Secretary of Transportation has declared there is a need in the Transportation Cabinet for engineers in branches other than civil.

Section 7. Scholarship Students. An applicant who is awarded a transportation scholarship shall comply with the following:

(1) Apply, be accepted, and enroll as a full-time student in pre-engineering, civil engineering, or civil engineering technology at a university with an agreement with the Transportation Cabinet.

(2) Pay all university tuition and fees, room, board, and book costs.

(3) Execute a contract with the Transportation Cabinet which requires at a minimum that:

(a) He shall provide the cabinet, on request, copies of all grade reports issued by the university.

(b) He shall pursue a degree in civil engineering or civil engineering technology on a full-time basis and maintain adequate grades as established by the Transportation Cabinet.

(c) He will work one (1) calendar year for the Transportation Cabinet after graduation for each academic year a scholarship was received. Employment by any other agency of state government will not satisfy this obligation.

(d) He will refund all scholarship monies received in the event he breaches the scholarship program contract.

(e) He will forfeit or refund the scholarship monies in the event he resigns from the Transportation Cabinet or scholarship program before completing the work obligation, fails to make adequate grades, fails to remain in school full-time pursuing a degree in engineering or engineering technology, or is dismissed after permanent employment due to his violation of any personnel statutes or administrative regulation before completing the work obligation.

STEPHEN REEDER, Commissioner

FLOYD G. POORE, Secretary

APPROVED BY AGENCY: November 16, 1984

FILED WITH LRC: November 20, 1984 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing will be held on this proposed administrative regulation on January 22, 1985 at 9 a.m. local prevailing time in the 4th floor hearing room of the State Office Building, corner of Clinton and High Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing, so notify: Larry E. Moore, Chief Administrative Assistant, Office of the Secretary, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. S. Layson

(1) Type and number of entities affected: High School graduates and Civil Engineering and Civil Engineering Technology college students and universities conducting those programs.

(a) Direct and indirect costs or savings to those affected:

1. First year: Savings to the students in the amount of stipends awarded.

2. Continuing costs or savings: Same as first

year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Number and stipend amounts of scholarships awarded.

(b) Reporting and paperwork requirements: Written agreement with universities and written contracts with students and reporting of grades and grade point averages by the universities and personnel actions by the Transportation Cabinet.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Cost is total amount of stipends paid (approximately \$75,000) with no additional administrative costs. The benefit is improving quality of engineering staff.

2. Continuing costs or savings: Same as first year with variations depending upon size of program.

3. Additional factors increasing or decreasing costs: Number and stipend amounts of scholarships awarded.

(b) Reporting and paperwork requirements: Preparation of agreements and contracts, personnel actions and progress reports to the Agency administrators.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(a) Do noting alternate: Rejected because of the need by the Cabinet of a continuing source of highly qualified engineering and technical personnel.

(b) Recruitment: Rejected because:

1. of the lack of qualified in-state engineering graduates that historically can be recruited by the Cabinet at the state salary scale;

2. more intensive recruitment would be required of out-of-state Civil Engineering and Civil Engineering Technology graduates to meet Cabinet needs; and

3. Co-op program - The scholarship program will guarantee that top-flight students and, thus, top-flight graduates will be available to the Transportation Cabinet. The scholarship program requires that the graduates accept employment with the Transportation Cabinet or refund the stipends. A co-op program would not.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: The Transportation Scholarship program, which began in 1948, has proven to be of significant benefit to the Transportation Cabinet and, especially, to the Department of Highways. This program has been very cost effective resulting in a better engineered highway system at less cost to the Commonwealth. The program encourages the best Kentucky students to enter the field of civil engineering and attracts many top-flight graduates to the Transportation Cabinet who might otherwise accept employment elsewhere. Many former scholarship students are now employed by the Cabinet in responsible positions.

The availability of these scholarships also

assist the universities involved in recruiting outstanding students. Many students have been able to attend college with the assistance of the stipend who may not have been able to attend at all.

Tiering:

Was tiering applied? No. Tiering is not applicable to this scholarship program. All applicants are selected in accordance with the recommendations of the University Scholarship Selection Committees.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of the Superintendent

701 KAR 5:060. Code of ethics for state testing program.

RELATES TO: KRS 158.650 to 158.750

PURSUANT TO: KRS 156.070, 158.670

NECESSITY AND FUNCTION: KRS 158.650 to 158.750 mandate statewide basic and essential skills testing programs, the result of which are to be used to assure that all public school students are acquiring appropriate skills; to aid districts in developing educational improvement plans; and to identify school districts which are educationally deficient. Such statutes also require the Department of Education to develop and implement the statewide testing program. This regulation is necessary to fulfill the intent and purpose of the Educational Improvement Act and to promote the integrity of the testing program by providing guidelines for the administration of the statewide assessment program at the classroom, school, and district levels.

Section 1. Each local district board of education shall assure that the statewide assessment program required by KRS 158.650 to 158.750 is administered in accordance with the guidelines developed by the Kentucky Advisory Committee for Educational Improvement and approved by the State Board of Education. The guidelines, as approved by the State Board of Education, comprise the document "Code of Ethics for the State Testing Program, November, 1984," which is incorporated herein by reference and copies of which may be obtained from the Office of Research and Planning, Department of Education.

Section 2. Each local district board of education shall submit to the Department of Education, at the same time test answer documents are submitted, a certification that the district has adhered to the guidelines set forth in the incorporated code of ethics. Local district certification shall be submitted by the district as a prerequisite to the scoring of local district test answer documents.

Section 3. Each local district shall provide to the Department of Education and the State Board of Education a written explanation of any cases involving exceptions to compliance with the guidelines as set forth in the code of ethics.

ALICE McDONALD

Superintendent of Public Instruction

ADOPTED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 9 a.m., in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rebecca Brown

(1) Type and number of entities affected: All public school districts.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Local districts will be required to complete a form which certifies that the state testing program has been administered in accordance with the guidelines as set forth in the Code of Ethics.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Review of local district certification forms prior to scoring of test answer documents.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: This regulation addresses the need to promote the integrity of the statewide testing program.

Tiering:

Was tiering applied? No. Tiering was not applied because of the need for uniformity.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

704 KAR 3:340. Commonwealth Diploma Program.

RELATES TO: KRS 156.070, 156.160

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.070 authorizes the State Board of Education to prescribe such courses of study, curriculums, and programs as it deems necessary for the common schools; and KRS 156.160 requires the State Board of Education to adopt regulations determining the scope of instruction that may be offered in the common schools and the minimum requirements for graduation from offered courses. A Commonwealth Diploma shall be issued to students completing a Commonwealth Diploma Program. The purpose of such a diploma and program are as follows: a) to encourage high academic achievement in Kentucky high schools; b) to encourage more of the capable students to attend college; c) to improve the working relationship between high schools and colleges and universities; and d) to allow students to gain college credit prior to attending college. This regulation implements a Commonwealth Diploma Program and sets forth the conditions and criteria under which a Commonwealth Diploma shall be issued.

Section 1. The Kentucky State Board of Education shall award to each student in the public schools of this state completing a Commonwealth Diploma Program a Commonwealth Diploma. This diploma shall be printed by the Kentucky Department of Education and sent to the appropriate district upon verification of program completion to the Department of Education by the local district. Each diploma shall be issued in the name of each student so identified. Verification to the Department of Education shall be on forms supplied by the Department of Education and shall be submitted in a timely fashion so as to provide for awarding of the Commonwealth Diploma at regularly scheduled graduation ceremonies. Those students receiving Commonwealth Diplomas should be cited as recipients at graduation ceremonies.

Section 2. The requirements for obtaining a Commonwealth Diploma are as follows:

(1) Successful completion of at least twenty-two (22) approved units of credit, including all the minimum unit requirements for high school graduation set forth in 704 KAR 3:305 or as specified by the applicable local board of education.

(2) Successful completion of all minimum requirements of the Pre-College Curriculum established by the Council on Higher Education. Minimum Pre-College Preparation requirements are as follows:

(a) Language Arts - four (4) units (English I, English II, English III, and English IV);

(b) Mathematics - three (3) units (Algebra I, or Algebra II, Geometry, and one (1) elective);

(c) Science - two (2) units (Biology I or Chemistry I, or Physics I, and one (1) elective); and

(d) Social Studies - two (2) units (including World Civilization and U. S. History).

(3) Successful completion of at least four (4) courses, as hereinafter designated and which contain essential content as described in the Advanced Placement (AP) Program Course Description booklets of the College Entrance Examination Board, such booklets being incorporated herein by reference and copies of which may be obtained from the Office of Instruction:

(a) English, May 1985, May 1986 - one (1)

course;

(b) Science - one (1) course (selected from Biology, May 1985, May 1986; Chemistry, May 1985, May 1986; or Physics, May 1985, May 1986);

(c) Foreign Language - one (1) course (selected from French, May 1985; German, May 1986; Latin, May 1985; or Spanish, May 1985, May 1986); and

(d) One (1) additional course (selected from English; Science; Foreign Language; History, May 1985; Mathematics, May 1985, May 1986; Computer Science, May 1985, May 1986; Music, May 1985; or Art, May 1985).

(4) Completion of at least one (1) AP Examination in three (3) of the AP areas specified in subsection (3) of this section, without regard to score, for the purpose of compiling information for assisting school districts in improving their Commonwealth Diploma programs and for establishing future eligibility criteria for school districts to participate in the program.

Section 3. The Kentucky Department of Education shall reimburse the costs of all Advanced Placement testing to each student awarded a Commonwealth Diploma. Reimbursement funds shall be sent for distribution to local districts once each year during the month of June on the basis of documentation supplied by the local district.

ALICE MCDONALD

Superintendent of Public Instruction

APPROVED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 9 a.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board of Education at its November meeting. These persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Gregg

(1) Type and number of entities affected: Local school districts, public school students, Kentucky Department of Education.

(a) Direct and indirect costs or savings to those affected:

1. First year: \$147 (approx.) per Commonwealth Diploma, plus costs of materials, books.

2. Continuing costs or savings: Same year to year with some increase due to growth of program.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Growth of program over years not determined at this time.

(b) Reporting and paperwork requirements: Local districts identify recipients to Kentucky Department of Education which issues a diploma and sends funds for reimbursement of student test costs.

(2) Effects on the promulgating administrative body: Same as (1) above.

(a) Direct and indirect costs or savings:

1. First year: \$147 per Commonwealth Diploma issues, plus some associated materials and book costs.

2. Continuing costs or savings: Same year to year with some increase due to growth of program.

3. Additional factors increasing or decreasing costs: As described in (1)(a)3 above.

(b) Reporting and paperwork requirements: As described in (1)(b).

(3) Assessment of anticipated effect on state and local revenues: Negligible, perhaps \$20,000 total associated directed and indirect costs statewide the first year.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None/N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Only one category of agency and personnel affected.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

704 KAR 3:345. Evaluation guidelines.

RELATES TO: KRS 156.101

PURSUANT TO: KRS 156.070, 156.101

NECESSITY AND FUNCTION: KRS 156.101 requires the State Board of Education to establish a statewide program for evaluation of certified school employees, including the superintendents, and to adopt guidelines developed by the Department of Education for implementing the program and establishing the framework within which each local school district is to develop its own evaluation policies. This regulation establishes the requirements for the evaluation programs and policies of local school districts.

Section 1. By June 1, 1985, each local school district shall submit an evaluation plan and procedures to the Department of Education for approval. Such approval shall be for the purpose of certification as to the compliance of each specific school district's evaluation plan with the broad guidelines set forth herein.

Section 2. The local school district shall have a written policy for the evaluation of all certified employees. The policy shall include a statement that the purposes of the evaluation system are to improve instruction, provide a measure of performance accountability to citizens and to provide encouragement and incentives for certified employees to improve their performances, as well as to support individual personnel decisions.

Section 3. All employees required to hold a valid certificate, issued by the Kentucky Department of Education, in order to perform their functions are to be evaluated as follows:

(1) All administrators, including the superintendent, and non-tenured teachers shall be initially evaluated under an approved plan by the end of the 1985-86 school year;

(2) All tenured classroom teachers shall be initially evaluated under an approved plan by the end of the 1986-87 school year.

Section 4. (1) An ad hoc committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms. Separate evaluation procedures and forms shall be developed by the local board of education and the superintendent for use in the evaluation of the superintendent. All procedures and forms shall be approved by the superintendent and the local board of education.

(2) The procedures shall include, but not be limited to, the following elements:

(a) The immediate supervisor of the certified school employee shall be designated the primary evaluator. Additional personnel and other means of evaluation (self, peer, etc.) may be used in addition to the primary evaluator.

(b) All monitoring or observations of performance of a certified employee shall be conducted openly and with the full knowledge of the teacher or administrator. Unannounced visits to the classroom are not precluded. The local district may determine the length and frequency of observations conducted by an evaluator.

(c) After an initial observation and/or consultation of the teacher or administrator, an improvement or growth plan is to be established whereby the teacher or administrator is given assistance for becoming more proficient of his/her job.

(d) Evaluation shall include a minimum of one (1) conference between the evaluator and the person evaluated. However, additional conferences after observations are recommended.

(e) Evaluation with multiple observations shall occur annually for each non-tenured certified employee.

(f) Multiple observations shall be conducted with certified employees whose initial observation results are unsatisfactory.

(g) Evaluation shall occur, at a minimum, once every two (2) year period for each tenured teacher. The local district may evaluate tenured teachers with greater frequency than the minimum.

(h) Evaluation shall occur annually for administrators, except for superintendents who may be evaluated not less than every two (2) years.

(i) All evaluations shall be in writing on an evaluation form.

(j) All observations shall be documented.

(k) The evaluation system shall provide personnel an opportunity for a written response by the certified employee evaluated.

(l) A copy of the evaluation shall be provided to the person evaluated.

Section 5. (1) The evaluation procedures and forms shall be designed to support individual personnel decisions.

(2) The evaluation forms shall include, but not limited to, a list of performance criteria characteristic of effective teaching or administrative practices. The performance criteria shall include, but not limited to the following:

(a) Performs professional responsibilities and

duties as outlined in the job description including regular attendance and punctuality;

(b) Demonstrates effective classroom and/or staff management skills;

(c) Uses instructional strategies and processes effectively;

(d) Demonstrates effective interpersonal and communication skills with peers, subordinates, students and/or parents;

(e) Demonstrates knowledge of subject matter and/or administrative techniques;

(f) Plans and evaluates instructional and/or administrative activities. Under each criterion, specific indicators that can be observed and recorded shall be listed. In addition, standards of performance shall be established for each criterion.

(3) All certified school personnel shall be made aware of the criteria on which they are to be evaluated at the beginning of the evaluation period.

(4) Evaluation forms or instruments shall be specific for each position or job category. Other forms for observation and pre- and post-conferences may be used at the discretion of the local district.

Section 6. (1) All evaluators shall be trained.

(2) Such training shall:

(a) Be appropriate and specific to the local district system implemented pursuant to KRS 156.101(6) and the proper techniques for effectively evaluating certified personnel; and

(b) Be conducted by persons who have received training in evaluation methods and/or have conducted training in evaluation methods in programs approved by the State Board of Education.

(3) Each local district shall designate a person responsible for evaluation training and as the contact person for the evaluation plan submitted by the local district.

Section 7. The evaluation plan shall be reviewed annually to ensure that the evaluation system is serving the purposes for which it was established. Revisions are to be approved by the State Department of Education.

ALICE McDONALD

Superintendent of Public Instruction

APPROVED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 9 a.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board of Education at its November meeting. These persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche

(1) Type and number of entities affected: 37,564 certified school personnel, including superintendents

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: An evaluation system plan has to be developed and submitted to the Department of Education by local school districts.

(2) Effects on the promulgating administrative body: Staff will have to review and approve plans.

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: The Department of Education staff may make reports to the State Board of Education concerning status of evaluation plans.

(3) Assessment of anticipated effect on state and local revenues: The cost of training local evaluators may effect local and state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

704 KAR 6:011. Repeal of 704 KAR 6:010.

RELATES TO: KRS 156.160, 159.030

PURSUANT TO: KRS 156.070

NECESSITY AND FUNCTION: KRS 156.160 has been amended to delete the requirement that the State Board of Education promulgate regulations dealing with the approval of private schools; and KRS 159.030 deleted the requirement that a private, parochial, or church school be approved in order to qualify for its students' exemption from compulsory attendance at a public school. 704 KAR 6:010 is no longer authorized or necessary.

Section 1. 704 KAR 6:010, Approval of regular day schools; attendance, is hereby repealed.

ALICE McDONALD

Superintendent of Public Instruction

ADOPTED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 1 p.m., in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in

writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Elder
 (1) Type and number of entities affected:
 (a) Direct and indirect costs or savings to those affected:
 1. First year: N/A
 2. Continuing costs or savings: N/A
 3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
 (b) Reporting and paperwork requirements: None
 (2) Effects on the promulgating administrative body:
 (a) Direct and indirect costs or savings:
 1. First year: None
 2. Continuing costs or savings: None
 3. Additional factors increasing or decreasing costs: None
 (b) Reporting and paperwork requirements: None
 (3) Assessment of anticipated effect on state and local revenues: N/A
 (4) Assessment of alternative methods; reasons why alternatives were rejected: To implement legislative mandate.
 (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
 (a) Necessity of proposed regulation if in conflict: None
 (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
 (6) Any additional information or comments: None

Tiering:
 Was tiering applied? No. It had to be consistent statewide

EDUCATION AND HUMANITIES CABINET Department of Education Office of Instruction

704 KAR 7:050. Student discipline guidelines.

RELATES TO: KRS 158.148
 PURSUANT TO: KRS 156.070, 158.148
 NECESSITY AND FUNCTION: KRS 158.148 directs the Kentucky Department of Education to obtain statewide data on discipline problems and, in consultation with groups listed in KRS 158.148, develop guidelines containing broad principles to guide local school districts in developing their own discipline codes. These guidelines, developed by the Department of Education in cooperation with the appropriate groups, are hereby adopted by the State Board of Education. This regulation, also, sets up procedures and the time schedule for administering KRS 158.148.

Section 1. The Kentucky State Board of Education hereby adopts and incorporates by reference the "Student Discipline Guidelines, October, 1984" developed by the Department of Education. Copies of such document may be obtained from the Division of Student Services,

Department of Education.

Section 2. (1) The local discipline codes developed pursuant to the herein-adopted guidelines shall be forwarded by the local school board to the Department of Education no later than June 1, 1985.

(2) The Department of Education shall review each local discipline code, and if the code appears to meet the established criteria for approval, each local code shall be presented to the state board for review and approval. Review and approval of each specific local discipline code shall be solely for the purpose of certifying that an individual local code complies with the broad guidelines incorporated by this regulation. Approval of the state board shall be communicated to the local district.

(3) If the established criteria for approval are not met by the local code, the local school board shall be informed accordingly and asked to revise the code in order that it conforms to the broad principles set forth in the herein-adopted guidelines. The local school board shall resubmit them to the Department of Education after making necessary revisions.

(4) After approval of the local code by the state board, the school district shall forthwith adopt and implement the code, and inform the Department of Education accordingly. All local discipline codes, insofar as is practicable, shall be implemented by the beginning of the 1985-86 school year.

(5) Beginning with the 1986-87 school year, compliance with this regulation by districts with approved discipline codes will be determined in accordance with provisions to be included in the "Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools."

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601 to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret McClain

(1) Type and number of entities affected: 180 local school districts

(a) Direct and indirect costs or savings to those affected:

1. First year: mailing of plan to Kentucky Department of Education (KDE)

2. Continuing costs or savings: mailing costs to Kentucky Department of Education (KDE) if plan is changed in later years

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: only

additional cost to local districts is submission of discipline code to KDE for approval--1985-86 school year and whenever changes are made in the future.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $\$3.00 \times 500 = \1500 printing costs; $180 \times .88 = \$160$ postage distribution.

2. Continuing costs or savings: re-printing as needed

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: approval of discipline codes submitted by all districts

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Legislation directed approval by KDE of local discipline codes

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Accreditation Standard VI, Responsible Pupil Conduct--overlapping/duplication

(a) Necessity of proposed regulation if in conflict: regulate KDE approval of discipline code

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: will update Accreditation Standard VI to standardize working requirements

(6) Any additional information or comments:

Tiering:

Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Instruction

704 KAR 7:060. Missing Kentucky School Children Program.

RELATES TO: KRS 156.495

PURSUANT TO: KRS 156.031, 156.070, 156.495

NECESSITY AND FUNCTION: KRS 156.495 requires the Department of Education to provide for and administer a program to identify and locate missing Kentucky school children. The State Board of Education hereby adopts an administrative regulation developed by the Department of Education which establishes procedures to enable the Department of Education to implement the required program.

Section 1. (1) Forms prepared by the Department of Education pursuant to KRS 156.495 for the reporting of missing Kentucky school children shall be distributed to all local school districts and all private schools in the Commonwealth of which the Department of Education has knowledge. The form will contain a notice to return the completed form to the Division of Student Services, Department of Education. Such forms shall solicit the following information:

(a) Full name of child and any nickname;

(b) Child's social security number if available;

(c) Father's name and telephone number;

(d) Mother's name and telephone number;

(e) Guardian's name (if other than above) and telephone number;

(f) Race;

(g) Sex;

(h) Date of birth and age;

(i) Height;

(j) Weight;

(k) Color of eyes, hair, and complexion;

(l) Any other identifying characteristics;

(m) Time and date missing;

(n) Location last seen;

(o) Possible destination;

(p) Name of any person(s) possibly accompanying child;

(q) Vehicle description;

(r) Last Kentucky school in which enrolled;

(s) Last address at which child resided;

(t) Address of parent/guardian where child resided permanently and telephone number;

(u) Name and address of police agency with whom missing person's report has been filed and date report filed;

(v) Any relevant remarks; and

(w) A recent photograph if available.

(2) Local school officials shall make such forms available, upon request, to the parents or guardians of missing Kentucky school children, who shall be assisted in completing and forwarding these forms to the Department of Education. Public school officials shall advise all parents and guardians in their district at the beginning of each school year, by any method reasonably calculated to provide actual notice, of the availability of such forms.

Section 2. (1) The Department of Education shall compile and maintain a record of the information received on such forms.

(2) A list of names of currently missing Kentucky school children, together with the other pertinent information listed in Section 1 of this regulation (including whether a photograph is available) and compiled from submitted missing children forms, shall be distributed to all public and all known private schools. The list shall be prepared annually, with monthly updates as to any additions to and deletions from the list and as to additional information received. Names of children who, based upon reliable information from law enforcement officials, have been located shall be deleted from the list.

(3) Public school officials shall make reasonable efforts to publicize the Department of Education's list within each school.

(4) The Department of Education's list of missing Kentucky school children, and monthly updates, shall notify public and private school officials to notify the applicable local, state, or federal law enforcement agency and the Department of Education if contact is made with a child on said list, giving the location and circumstances of the contact.

(5) Said list, and each monthly update, shall include a statement recommending that officials of public and private schools see that parents or guardians of children absent from school are notified in person or by telephone that such children are not attending.

ALICE MCDONALD

Superintendent of Public Instruction

APPROVED BY AGENCY: November 28, 1984

FILED WITH LRC: December 14, 1984 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 24, 1985, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board of Education at its November meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 19, 1985. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret McClain

(1) Type and number of entities affected: 180 local school districts and all known private schools (548 approximately)

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings: No additional cost existing channels of communications between school districts/private schools and parents can be used

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Occasional written reports to Department of Education and to local police agency only when contact is made with a missing child

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year:

(1) printing and mailing costs--\$6100

(2) Division of Student Services personnel and operating costs prorated for program: \$8800

2. Continuing costs or savings: Subsequent years: (1) \$5400

(2) \$8800 per annum

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: KRS 156.495 requires the Department to collect, compile and circulate information on children to all public and private schools and report contact with missing child to police agency

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Missing Kentucky school children program mandated by KRS 156.495

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: KRS 156.495 requires the Department to design and make available forms to parents/guardians of missing Kentucky school children; collect, compile and circulate lists of missing children to all schools in Kentucky; report to police

agency if contact is made with missing child.

Tiering:

Was tiering applied?

CABINET FOR PUBLIC PROTECTION AND REGULATION Department of Insurance

806 KAR 9:180. Period for which examination results are valid.

RELATES TO: KRS 304.9-105, 304.9-160, 304.9-320, 304.9-430, 304.32-180, 304.38-110, 304.43-080.

PURSUANT TO: KRS 304.2-110, 304-32.250, 304.38-110, 304.43-080.

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.32-250 provides that the Commissioner may promulgate reasonable regulations that he deems necessary for the proper administration of KRS Chapter 304.32. KRS 304.38-110 provides that the Commissioner of Insurance shall promulgate such reasonable regulations as are necessary to provide for the licensing of health maintenance organization agents. KRS 304.43-080 provides that the Commissioner of Insurance shall promulgate reasonable regulations necessary to provide for the licensing of prepaid dental plan organization agents. This regulation prescribes the period for which examination results are valid if an applicant for a license successfully passes a written examination but fails to obtain the license applied for.

Section 1. Definitions. As used in this regulation, (1) "Examination" means written examinations required for insurance agent, insurance solicitor, insurance adjuster, insurance consultant, nonprofit hospital, medical-surgical, dental, and health service corporation agent, health maintenance organization agent, and prepaid dental plan organization agent licenses; and

(2) "License" means insurance agent, insurance solicitor, insurance adjuster, insurance consultant, nonprofit hospital, medical-surgical, dental, and health service corporation agent, health maintenance organization agent, and prepaid dental plan organization agent licenses which require successful completion of a written examination.

Section 2. Period for Which Examination Results are Valid. If an applicant for a license successfully completes an examination but does not receive a license, the examination results are valid for one (1) year from the date the examination is taken. After this period, the applicant must take the examination again.

GIL MCCARTY, Commissioner

MELVIN WILSON, Secretary

APPROVED BY AGENCY: December 7, 1984

FILED WITH LRC: December 13, 1984 at 2:30 p.m.

PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may attend a hearing scheduled for January 21, 1985, at 10 a.m. at the offices of the Kentucky Department of Insurance, 229 West

Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Gil McCarty, Commissioner, at the above address. Written comments must be received by the day of the hearing scheduled above.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel

Need for the Proposed Regulation: The proposed regulation is necessary to assure that applicants for licenses are competent. The regulation provides that if an applicant for a license successfully completes a written examination but does not receive a license, the examination results are valid for one year from the date the examination is taken, thereby requiring the applicant to take the examination again after this period.

Type and Number of Entities Affected: All persons applying for insurance agent, insurance solicitor, insurance adjuster, insurance consultant, nonprofit hospital, medical-surgical, dental, and health service corporation agent, health maintenance organization agent, and prepaid dental plan organization agent licenses will be affected by the regulation. There is no estimate available as to how many applicants there will be in the future.

1. Direct or Indirect Cost or Savings to Those Affected: If an applicant for a license successfully passes an examination but fails to receive the license, and waits more than one year from the date the examination is taken, the applicant will be required to take the

examination again.

2. Reporting and Paperwork Requirements: If an applicant is required to take an examination again, the appropriate forms must be filed and a new notice to sit for the examination must be issued.

Effects on the Promulgating Administrative Body: The Department will be required to adopt procedures to conform to the regulation.

Assessment of Anticipated on State and Local Revenues: If persons are required to take an examination again, the fee of \$50.00 per examination (KRS 304.4-010(12)) must be paid.

Assessment of Alternative Methods: Reasons Why Alternatives Were Rejected: There have been several instances in which persons successfully completed examinations, but, for one reason or another, failed to obtain the license in question immediately after successful completion of the examination. Quite some time later, these persons attempted to obtain licenses based upon outdated examination results. Due to the age of these examination results, these persons are not competent or trustworthy to be licensees of the Department of Insurance.

Statutes, Rules, Regulations, or Governmental Policies Which May Conflict, Overlap, or Duplicate the Proposed Regulation: None.

Tiering:

Tiering has been applied in the sense that only those licensees who are required to successfully pass a written examination are subject to the regulation. However, all of these persons are subject to the same requirement.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the December 10-11, 1984 Meeting

The November meeting of the Administrative Regulation Review Subcommittee was held on Monday, December 10, 1984 at 2 p.m. and on Tuesday, December 11, 1984 at 10 a.m. in Room 103. Representative Bill Brinkley, Chairman, called the meeting to order, and the secretary called the roll. On motion of Representative Bruce, seconded by Senator McCuiston, the minutes of the November 12-13, 1984 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Pat McCuiston and Bill Quinlan; Representatives James Bruce and Albert Robinson.

Guests: Roger Green, Robert Kellogg, Hank Lindsey, Gordon Nichols, Bill G. Wellman, Michael J. Van Leaven, Department of Military Affairs; Frank B. Sanning, Board of Ophthalmic Dispensers; Nancy Brinly, Board of Physical Therapy; Don McCormick, Department of Fish and Wildlife Resources; Barbara Jones, Corrections Cabinet; D. B. Price, Sandra G. Pullen, Transportation Cabinet; Gary Bale, George Denmark, Sidney Simandle, H. M. Snodgrass; Department of Education; Larry Schneider, Department of Mines and Minerals; Patrick Watts, Department of Insurance; George Geoghegan, Kentucky Harness Racing Commission; Jim

Klosterman, Judith G. Walden, Department of Housing, Buildings and Construction; Martin Anderson, Barbara Coleman, Ked R. Fitzpatrick, Margaret Hockensmith, Greg Lawther, Sharon Perry, Gene D. Simmons, Stan Smith, Phillip R. Spangler, Rob Williams, Larry Wilson, Cabinet for Human Resources; Etta Ruth Kepp, Governor's Office for Policy and Management; Ralph Ed Graves, Lobbyist Alert.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Rhonda Franklin, Donna Valencia, Mike Schillhahn, Chris Lilly, Paula Payne and Carla Arnold.

Press: Mark York, WLEX-TV; Louis Gardner, Barry Peel, WTVQ-TV; Livingston Taylor, Courier-Journal; Susan Warren, UPI.

The Administrative Regulation Review Subcommittee met on December 10 and 11, 1984, and submits the following report:

The Subcommittee determined that the following regulations, as amended, complied with the requirements of KRS Chapter 13A:

Military Affairs: Division of Air Transport

106 KAR 1:040 (Division of Air Transport and use of state aircraft). General Wellman proposed the following amendments: In Section 3(1),

delete the language "or which is otherwise in the best interest of the Commonwealth" from the definition of "official business." In Section 5, add, as a requirement for use of state aircraft, "that the use of state aircraft is the most economical means of transportation." In Section 6(1), add, "7. That use of state aircraft is the most economical means of transportation;" as an item to be included in requests for use of state aircraft. In Section 6(4), make a technical change replacing the Finance and Administration Cabinet with the office responsible for retaining copies of requests and manifests relating to state aircraft. The subcommittee agreed to the proposed amendments suggested by the agency.

Education and Humanities Cabinet: Department of Education: Office of Instruction: Instructional Services

704 KAR 3:005 (Educational improvement act implementation plan). The subcommittee approved the following amendments: In the Pursuant To line, insert, "158.650" in lieu of "58.650." In Section 2(4)(b)1, insert, "five and five-tenths (5.5) percent" in lieu of "six and five-tenths (6.5) percent." In Section 3(1) insert after the word deficiencies, "as defined" and delete "not appropriately addressed as required"; insert after "by this regulation and", "meet other statutory requirements" and, delete "related statutes in its current separate component documents." In Section 4(1), insert "September" in lieu of "October." In Section 5, after the words "satisfactory progress toward", insert "correcting deficiencies in", and delete "meeting minimum."

Office of Vocational Education: Fiscal Management

705 KAR 2:030 (Foundation program units). The State Board of Education voted to rescind the proposed amendment to Section 8. In addition, all references to "Bureau of Vocational Education" should now read "Office of Vocational Education."

Department of Housing, Buildings and Construction: Local Fire Departments

815 KAR 45:060 (Survivor benefits death of paid firefighter). In Section 1(e), insert the words, "the line" and delete the word "performance." In Section 1(f), insert the word "Survivors" and delete the word "Beneficiaries." In Section 1(i), insert the words "born out of wedlock" and delete the word "illegitimate."

The Subcommittee determined that the following regulations complied with KRS Chapter 13A.

General Government Cabinet: Board of Ophthalmic Dispensers

201 KAR 13:040 (Licensing; application, examination; temporary permit).

201 KAR 13:050 (Apprentices).

Board of Physical Therapy

201 KAR 22:010 (Objectives of physical therapy).

201 KAR 22:020 (Method of applying for licensure).

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:050 (Land Between the Lakes hunting rules).

301 KAR 2:200 (Migratory bird hunting seasons).

Corrections Cabinet: Office of the Secretary

501 KAR 6:010 (Corrections policies and procedures.).

Transportation Cabinet: Department of Fiscal Management: Toll Facilities

600 KAR 2:040 (Appearance requirements and uniforms of Division of Toll Facilities' Employees.). Chairman Brinkley noted that this was another personnel regulation promulgated by an agency rather than the Personnel Board, and it should be included with others referred by the subcommittee at its last meeting to the commissioner of Personnel, other agencies, and subcommittee staff. Representative Robinson suggested that while the dress code was proper, the detailed restrictions referring to goatees, mustaches and beards may be excessive.

Education and Humanities Cabinet: Department of Education: Teacher Certification

704 KAR 20:120 (Emergency certification).

704 KAR 20:210 (Substitute teachers).

704 KAR 20:305 (Written examination prerequisites for teacher certification).

Department of Mines and Minerals: Explosives and Blasting

805 KAR 4:087 (Explosives).

805 KAR 4:110 (Initiation of explosive charges; electric blasting).

Department of Insurance: Administration

806 KAR 2:095 (Accounting and reporting requirements for collecting insurance tax).

806 KAR 2:027 (Filing of municipal premium tax ordinances, notification to insurers).

Public Service Commission: Utilities

807 KAR 5:006 (General rules).

Kentucky Harness Racing Commission: Harness Racing Rules

811 KAR 1:070 (Licensing; owners, drivers, trainers, grooms and agents).

811 KAR 1:150 (Officials; deputies and assistants).

811 KAR 1:195 (Track deductions from wagers).

Department of Housing, Buildings and Construction: Local Fire Departments

815 KAR 45:050 (Requirements for obtaining firefighters training facility grants).

815 KAR 45:060 (Survivor benefits death of paid firefighter).

Cabinet for Human Resources: Department for Health Services: Local Health Departments

902 KAR 8:020 (Policies and procedures for local health department operations).

Hospitalization of Mentally Ill and Mentally Retarded

902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities).

Certificate of Need and Licensure

902 KAR 20:008 (License procedure and fee schedule).

902 KAR 20:026 (Operations and services, skilled nursing facilities).
902 KAR 20:036 (Operation and services, personal care homes).
902 KAR 20:048 (Operation and services, nursing homes).
902 KAR 20:051 (Operation and services, intermediate care).
902 KAR 20:200 (Tuberculosis testing in long term care facilities). Chairman Brinkley acknowledged a letter from Senator Lackey expressing his concerns over tuberculosis testing in long-term care facilities and the response presented by the Department for Health Services. The Subcommittee approved a motion that the objections to the regulation and the Department's response be forwarded to the Interim Joint Committee on Health and Welfare for study with a request that the Committee forward the results of its study and recommendations to the Subcommittee.
Department for Employment Services:
Unemployment Insurance
903 KAR 5:130 (Appeals).
Employment Services
903 KAR 6:040 (Job Training Partnership Act).
Department for Social Insurance: Medical Assistance
904 KAR 1:004 (Resource and income standard of medically needy).
904 KAR 1:011 (Technical eligibility requirements).
904 KAR 1:036 (Amounts payable for skilled nursing and intermediate care facility services).
904 KAR 1:061 (Payments for medical transportation).
904 KAR 1:250 (Incorporation by reference of materials relating to the Medical Assistance Program).
Public Assistance
904 KAR 2:006 (Technical requirements; AFDC).
904 KAR 2:016 (Standards for need and amount; AFDC).
904 KAR 2:020 (Child support).
904 KAR 2:116 (Low income home energy assistance program).
904 KAR 2:140 (Supplementary policies for programs administered by the Department for Social Insurance).
904 KAR 2:150 (Incorporation by reference of materials relating to the Aid to Families with Dependent Children Program).
904 KAR 2:170 (Incorporation by reference of materials relating to the Child Support Program).
904 KAR 2:180 (Incorporation by reference of materials relating to the Home Energy Assistance Program).
904 KAR 2:190 (Incorporation by reference of materials relating to the Refugee Assistance Program).
904 KAR 2:200 (Collections program).
Food Stamp Program
904 KAR 3:090 (Incorporation by reference of materials relating to the Food Stamp Program).
Department for Employment Services:
Unemployment Insurance
904 KAR 5:260 (Unemployment insurance procedures).
Department for Social Services: Children's Residential Services
905 KAR 7:030 (Children's residential services facilities manuals).
905 KAR 7:080 (Children's treatment services facility manual).

905 KAR 7:100 (Resident liaison responsibilities).

The following regulations were deferred at the agency's request.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water

401 KAR 5:050 (Definitions and general provisions; KPDES permitting program).
401 KAR 5:055 (Scope and applicability of the KPDES program).
401 KAR 5:060 (KPDES application requirements).
401 KAR 5:065 (KPDES permit conditions).
401 KAR 5:070 (Provisions of the KPDES permit).

Alcoholic Beverage Control Board: Advertising Distilled Spirits and Wine

804 KAR 1:120 (Rebates and gift certificates).

Public Service Commission: Utilities

807 KAR 5:006 (General rules).

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:055 (Water heater devices).
815 KAR 20:120 (Water supply and distribution).

The Subcommittee had no objections to emergency regulations which had been filed.

The subcommittee adjourned at 11 a.m. until January 7, 1985.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	G2
KRS Index.....	G11
Subject Index to Volume 11.....	G18

LOCATOR INDEX -- EFFECTIVE DATES

NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.

VOLUME 10

Regulation	10 Ky.R. Page No.	Effective Date
400 KAR 2:020	1206	8-7-84
405 KAR 1:015	1215	8-7-84
405 KAR 3:015	1216	8-7-84
405 KAR 7:015	1216	8-7-84
405 KAR 30:015	1218	8-7-84
900 KAR 3:010	1226	8-7-84

VOLUME 11

Emergency Regulation	11 Ky.R. Page No.	Effective Date	Emergency Regulation	11 Ky.R. Page No.	Effective Date
40 KAR 3:010E	923	10-24-84	405 KAR 16:020E	390	7-16-84
105 KAR 1:080E	535	8-31-84	Replaced	578	10-9-84
Replaced	616	11-13-84	405 KAR 30:015E	10	5-16-84
109 KAR 9:010E	1	6-15-84	Replaced		8-7-84
Replaced	93	8-7-84	501 KAR 6:010E	10	5-16-84
200 KAR 8:030E	1017	12-14-84	Replaced		6-28-84
201 KAR 9:021E	123	7-12-84	600 KAR 1:030E	536	8-28-84
Replaced	553	10-9-84	Replaced	517	10-9-84
301 KAR 1:140E	692	10-2-84	601 KAR 1:015E	128	7-13-84
Replaced	620	11-13-84	Replaced	332	9-11-84
301 KAR 2:044E	387	8-1-84	601 KAR 1:130E	129	7-13-84
Replaced	422	10-9-84	Expired		10-30-84
301 KAR 2:200E	693	10-9-84	601 KAR 9:011E	130	7-13-84
Replaced	880	12-11-84	Replaced	335	9-11-84
302 KAR 16:010E	125	7-12-84	601 KAR 9:013E	130	7-13-84
Replaced	399	9-11-84	Replaced	240	9-11-84
302 KAR 16:020E	126	7-12-84	601 KAR 9:074E	131	7-13-84
Replaced	400	9-11-84	Replaced	581	10-9-84
302 KAR 16:030E	126	7-12-84	601 KAR 13:040E	134	7-13-84
Replaced	401	9-11-84	Replaced	335	9-11-84
302 KAR 16:040E	126	7-12-84	601 KAR 13:050E	135	7-13-84
Replaced	324	9-11-84	Replaced	699	10-9-84
302 KAR 16:050E	127	7-12-84	601 KAR 35:010E	136	7-13-84
Replaced	324	9-11-84	Expired		10-30-84
302 KAR 20:150E	2	6-5-84	601 KAR 35:020E	137	7-13-84
Replaced	401	9-11-84	Replaced	585	10-9-84
302 KAR 20:160E	3	6-5-84	601 KAR 35:040E	139	7-13-84
Expired		9-29-84	Replaced	587	10-9-84
302 KAR 20:170E	127	7-12-84	601 KAR 35:050E	139	7-13-84
Expired		10-30-84	Replaced	587	10-9-84
302 KAR 34:010E	128	7-12-84	602 KAR 15:020E	140	7-13-84
Replaced	402	10-9-84	Replaced	549	9-11-84
302 KAR 34:020E	1018	11-15-84	603 KAR 5:130E	141	7-13-84
401 KAR 4:200E	3	5-16-84	Expired		10-30-84
Replaced	176	8-7-84	603 KAR 7:020E	142	7-13-84
401 KAR 5:200E	4	5-16-84	Replaced	346	9-11-84
Replaced	177	8-7-84	603 KAR 7:030E	142	7-13-84
401 KAR 6:200E	5	5-16-84	Replaced	347	9-11-84
Replaced	178	8-7-84	603 KAR 7:040E	143	7-13-84
401 KAR 30:070E	6	5-16-84	Replaced	348	9-11-84
Replaced	179	8-7-84	603 KAR 7:050E	143	7-13-84
401 KAR 50:016E	7	5-16-84	Replaced	349	9-11-84
Replaced	179	8-7-84	603 KAR 7:060E	144	7-13-84
402 KAR 3:010E	536	9-13-84	Replaced	349	9-11-84
Replaced	669	11-13-84	603 KAR 7:070E	144	7-13-84
405 KAR 1:015E	7	5-16-84	Replaced	350	9-11-84
Replaced		8-7-84	702 KAR 1:120E	697	9-21-84
405 KAR 3:015E	8	5-16-84	Replaced	671	11-13-84
Replaced		8-7-84	804 KAR 9:050E	144	7-11-84
405 KAR 7:015E	8	5-16-84	Replaced	361	9-11-84
Replaced		8-7-84	807 KAR 5:006E	924	10-23-84
405 KAR 10:035E	388	7-16-84	815 KAR 7:080E	145	7-13-84
Replaced	577	10-9-84	Replaced	372	9-11-84

ADMINISTRATIVE REGISTER - G3

Emergency Regulation	11 Ky.R. Page No.	Effective Date	Emergency Regulation	11 Ky.R. Page No.	Effective Date
900 KAR 1:011E	15	5-21-84	904 KAR 1:270E	1020	12-13-84
Replaced	102	8-7-84	904 KAR 1:280E	1021	12-13-84
900 KAR 1:030E	16	5-16-84	904 KAR 2:006E	948	10-19-84
Replaced	103	8-7-84	Replaced	858	12-11-84
900 KAR 1:040E	17	5-16-84	904 KAR 2:016E	159	6-20-84
Replaced	103	8-7-84	Replaced	82	8-7-84
900 KAR 3:010E	17	5-16-84	Resubmitted	950	10-19-84
Replaced		8-7-84	Replaced	860	12-11-84
902 KAR 1:340E	18	5-16-84	904 KAR 2:020E	955	10-19-84
Expired		9-29-84	Replaced	865	12-11-84
902 KAR 4:050E	18	5-21-84	904 KAR 2:115E	393	7-20-84
Replaced		6-28-84	Repealed	957	10-19-84
902 KAR 4:060E	19	5-21-84	904 KAR 2:116E	957	10-19-84
Replaced	104	8-7-84	Replaced	916	12-11-84
902 KAR 4:070E	19	5-21-84	904 KAR 2:140E	29	5-16-84
Replaced	104	8-7-84	Replaced		6-28-84
902 KAR 4:080E	20	5-21-84	Resubmitted	163	7-11-84
Replaced	105	8-7-84	Replaced	298	9-11-84
902 KAR 4:090E	147	6-20-84	Resubmitted	959	10-19-84
Replaced	105	8-7-84	Replaced	867	12-11-84
902 KAR 6:060E	537	8-27-84	904 KAR 2:150E	29	5-16-84
Replaced	374	9-11-84	Replaced		6-28-84
902 KAR 8:020E	20	5-21-84	Resubmitted	960	10-19-84
Replaced		7-10-84	Replaced	868	12-11-84
Resubmitted	538	9-13-84	904 KAR 2:160E	30	5-16-84
Replaced	653	11-13-84	Replaced		6-28-84
902 KAR 8:030E	21	5-21-84	904 KAR 2:170E	30	5-16-84
Replaced	106	8-7-84	Replaced		6-28-84
902 KAR 10:110E	149	6-20-84	Resubmitted	961	10-19-84
Replaced	107	9-11-84	Replaced	868	12-11-84
902 KAR 12:060E	22	5-21-84	904 KAR 2:180E	31	5-16-84
Replaced	108	8-7-84	Replaced		6-28-84
902 KAR 12:070E	23	5-21-84	Resubmitted	962	10-19-84
Replaced	108	8-7-84	Replaced	869	12-11-84
902 KAR 12:080E	24	5-21-84	904 KAR 2:190E	31	5-16-84
Replaced		6-28-84	Replaced		6-28-84
902 KAR 13:100E	393	8-2-84	Resubmitted	962	10-19-84
Replaced	526	10-9-84	Replaced	870	12-11-84
902 KAR 17:010E	1019	12-13-84	904 KAR 2:200E	32	5-16-84
902 KAR 20:006E	539	8-27-84	Replaced		6-28-84
Replaced	460	10-9-84	Resubmitted	963	10-19-84
902 KAR 45:130E	25	5-21-84	Replaced	871	12-11-84
Replaced	112	8-7-84	904 KAR 3:035E	163	6-20-84
902 KAR 45:140E	25	5-21-84	Replaced	89	8-7-84
Replaced	112	8-7-84	904 KAR 3:090E	32	5-16-84
902 KAR 50:090E	26	5-21-84	Replaced		6-28-84
Replaced	112	8-7-84	Resubmitted	165	7-11-84
902 KAR 50:100E	27	5-21-84	Replaced	302	9-11-84
Replaced	114	8-7-84	Resubmitted	963	10-19-84
904 KAR 1:004E	149	7-6-84	Replaced	872	12-11-84
Replaced	280	9-11-84	904 KAR 5:100E	33	5-21-84
Resubmitted	932	10-19-84	Replaced	196	7-10-84
Replaced	842	12-11-84	904 KAR 5:130E	34	5-21-84
904 KAR 1:011E	936	10-19-84	Replaced	197	7-10-84
Replaced	846	12-11-84	904 KAR 5:260E	36	5-21-84
904 KAR 1:020E	697	9-19-84	Replaced	304	7-10-84
Replaced	658	11-13-84	904 KAR 5:270E	165	7-6-84
904 KAR 1:036E	153	7-6-84	Replaced	375	9-11-84
Replaced	284	9-11-84	904 KAR 6:010E	36	5-21-84
Resubmitted	939	10-19-84	Replaced		6-28-84
Replaced	849	12-11-84	904 KAR 6:020E	37	5-21-84
904 KAR 1:045E	544	8-27-84	Replaced		6-28-84
Replaced	290	9-11-84	904 KAR 6:030E	37	5-21-84
904 KAR 1:055E	158	7-6-84	Replaced		6-28-84
Replaced	291	9-11-84	904 KAR 6:040E	38	5-21-84
904 KAR 1:061E	945	10-19-84	Replaced		6-28-84
Replaced	854	12-11-84	904 KAR 6:050E	38	5-21-84
904 KAR 1:250E	28	5-16-84	Replaced		6-28-84
Replaced		6-28-84	905 KAR 1:150E	39	5-17-84
Resubmitted	947	10-19-84	Replaced		7-10-84
Replaced	856	12-11-84			

ADMINISTRATIVE REGISTER - G4

Emergency Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
			1 KAR 1:010		
905 KAR 1:170E	166	6-20-84	Amended	169	
Replaced	115	8-7-84	1 KAR 3:005		
905 KAR 1:180E	39	5-17-84	Amended	609	
Replaced	116	8-7-84	Withdrawn		11-13-84
Resubmitted	544	8-27-84	Amended	983	
Replaced	504	10-9-84	11 KAR 4:040	507	10-9-84
905 KAR 5:030E	166	6-20-84	11 KAR 5:020		
Replaced	116	8-7-84	Amended	1056	
905 KAR 6:020E	40	5-17-84	11 KAR 5:030		
Replaced		6-28-84	Amended	1058	
905 KAR 6:030E	40	5-17-84	11 KAR 5:060		
Replaced	117	8-7-84	Amended	1059	
905 KAR 7:010E	41	5-21-84	11 KAR 5:085		
Replaced		6-28-84	Amended	1060	
905 KAR 7:020E	41	5-17-84	11 KAR 6:010	508	10-9-84
Replaced	117	8-7-84	12 KAR 4:010		
905 KAR 7:030E	42	5-17-84	Repealed	509	11-13-84
Replaced		6-28-84	12 KAR 4:020		
Resubmitted	964	10-19-84	Repealed	509	11-13-84
Replaced	875	12-11-84	12 KAR 4:030		
905 KAR 7:040E	42	5-21-84	Repealed	509	11-13-84
Replaced		6-28-84	12 KAR 4:040		
905 KAR 7:050E	167	6-20-84	Repealed	509	11-13-84
Replaced	117	8-7-84	12 KAR 4:050		
905 KAR 7:060E	44	5-21-84	Repealed	509	11-13-84
Replaced		6-28-84	12 KAR 4:060		
905 KAR 7:070E	44	5-21-84	Repealed	509	11-13-84
Replaced		6-28-84	12 KAR 4:070		
905 KAR 7:080E	45	5-17-84	Repealed	509	11-13-84
Replaced	118	8-7-84	12 KAR 4:080	509	11-13-84
Resubmitted	545	8-27-84	12 KAR 4:090	510	11-13-84
Replaced	505	10-9-84	12 KAR 4:100	510	11-13-84
Resubmitted	967	10-19-84	12 KAR 4:110	511	11-13-84
Replaced	877	12-11-84	12 KAR 4:120	512	11-13-84
905 KAR 7:090E	167	6-20-84	12 KAR 4:130	512	11-13-84
Replaced	118	8-7-84	12 KAR 4:140	514	11-13-84
905 KAR 7:100E	969	10-19-84	12 KAR 4:150	515	
Replaced	918	12-11-84	Withdrawn		11-12-84
905 KAR 8:010E	46	5-16-84	12 KAR 4:160	516	11-13-84
Replaced		6-28-84	12 KAR 4:170	516	
905 KAR 8:020E	546	8-27-84	Amended	970	11-13-84
Replaced	376	9-11-84	12 KAR 5:020		
905 KAR 8:030E	46	5-16-84	Amended	612	11-13-84
Replaced		6-28-84	12 KAR 5:030		
905 KAR 8:040E	47	5-16-84	Amended	613	11-13-84
Replaced		6-28-84	12 KAR 5:040		
905 KAR 8:050E	47	5-16-84	Amended	615	11-13-84
Replaced		6-28-84	15 KAR 1:010		
905 KAR 8:060E	48	5-16-84	Amended	1061	
Replaced	119	9-11-84	40 KAR 2:010		
905 KAR 8:070E	548	8-27-84	Amended	52	7-1-84
Replaced	530	10-9-84	40 KAR 3:010	1006	
905 KAR 8:080E	48	5-16-84	105 KAR 1:010		
Replaced		6-28-84	Amended	53	8-7-84
905 KAR 8:110E	49	5-16-84	105 KAR 1:080		
Replaced		6-28-84	Amended	616	11-13-84
905 KAR 8:120E	49	5-16-84	106 KAR 1:020		
Replaced	414	9-11-84	Amended	617	11-13-84
905 KAR 8:130E	50	5-16-84	106 KAR 1:040	879	
Replaced		6-28-84	Amended	1022	12-11-84
906 KAR 1:010E	50	5-16-84	107 KAR 1:040	665	11-13-84
Replaced	119	8-7-84	109 KAR 9:010	93	8-7-84
906 KAR 1:020E	51	5-16-84	115 KAR 2:020	306	
Replaced	120	8-7-84	Amended	550	10-9-84
			200 KAR 5:308		
			Amended	201	9-11-84
			200 KAR 8:030	1095	
			200 KAR 9:010		
			Repealed	1	6-15-84
			201 KAR 2:135		
			Amended	986	

ADMINISTRATIVE REGISTER - G5

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
201 KAR 6:010			301 KAR 2:050		
Amended	987		Amended	735	12-11-84
201 KAR 9:018	1097		301 KAR 2:055		
201 KAR 9:020			Repealed	693	10-9-84
Repealed	123	7-12-84	301 KAR 2:071		
201 KAR 9:021	309		Repealed	321	9-11-84
Amended	553	10-9-84	301 KAR 2:088		
Amended	1063		Repealed	693	10-9-84
201 KAR 9:023	311	10-9-84	301 KAR 2:140		
201 KAR 9:024	311	10-9-84	Amended	991	
201 KAR 9:025	312	10-9-84	301 KAR 2:180	666	11-13-84
201 KAR 9:030			301 KAR 2:190	321	9-11-84
Repealed	553	10-9-84	301 KAR 2:200	880	12-11-84
201 KAR 9:031	313	10-9-84	301 KAR 3:070		
201 KAR 9:040			Repealed	693	10-9-84
Repealed	553	10-9-84	302 KAR 16:010	94	
201 KAR 9:041	314		Amended	399	9-11-84
Amended	554	10-9-84	302 KAR 16:020	94	
201 KAR 9:050			Amended	400	9-11-84
Repealed	553	10-9-84	302 KAR 16:030	95	
201 KAR 9:051	314		Amended	401	9-11-84
Amended	555	10-9-84	302 KAR 16:040	324	9-11-84
201 KAR 9:060			302 KAR 16:050	324	9-11-84
Repealed	123	7-12-84	302 KAR 20:150	95	
201 KAR 9:061	315		Amended	401	9-11-84
Amended	556	10-9-84	302 KAR 20:160	95	
201 KAR 9:070			Amended	402	
Repealed	553	10-9-84	Withdrawn		12-10-84
201 KAR 9:071	316	10-9-84	302 KAR 20:170	325	
201 KAR 9:080			Withdrawn		12-10-84
Repealed	123	7-12-84	302 KAR 34:010	96	
201 KAR 9:081	317		Amended	402	10-9-84
Amended	557	10-9-84	302 KAR 34:020	1006	
201 KAR 9:082	320	10-9-84	400 KAR 2:010		
201 KAR 9:085			Amended	171	8-7-84
Repealed	123	7-12-84	400 KAR 2:030		
201 KAR 13:040			Amended	172	8-7-84
Amended	55	8-7-84	400 KAR 2:040		
Amended	732	12-11-84	Amended	173	8-7-84
201 KAR 13:050			400 KAR 2:050		
Amended	56	8-7-84	Amended	176	8-7-84
Amended	733	12-11-84	401 KAR 4:200		
201 KAR 20:210			Amended	176	8-7-84
Amended	989		401 KAR 5:026		
201 KAR 20:220			Amended	424	
Amended	990		Amended	703	11-13-84
201 KAR 22:010			401 KAR 5:050		
Amended	734	12-11-84	Amended	737	
201 KAR 22:020			401 KAR 5:055		
Amended	735	12-11-84	Amended	740	
201 KAR 22:031			Amended	1028	
Amended	415	10-9-84	401 KAR 5:060		
201 KAR 22:040			Amended	756	
Amended	417	10-9-84	401 KAR 5:065		
201 KAR 22:052			Amended	765	
Amended	417	10-9-84	401 KAR 5:070		
201 KAR 22:070			Amended	773	
Amended	419	10-9-84	401 KAR 5:200		
201 KAR 22:106			Amended	177	8-7-84
Amended	420	10-9-84	Amended	1066	
201 KAR 22:110			401 KAR 6:040		
Amended	422	10-9-84	Amended	1068	
201 KAR 23:030			401 KAR 6:200		
Amended	201	9-11-84	Amended	178	8-7-84
301 KAR 1:055			401 KAR 30:010		
Amended	1065		Amended	202	10-9-84
301 KAR 1:075			401 KAR 30:070		
Amended	619	11-13-84	Amended	179	8-7-84
301 KAR 1:140			401 KAR 31:040		
Amended	620	11-13-84	Amended	210	
301 KAR 2:044			Amended	560	10-9-84
Amended	422	10-9-84			

ADMINISTRATIVE REGISTER - G6

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
401 KAR 31:160			600 KAR 1:060	523	
Amended	220	10-9-84	Withdrawn		11-12-84
401 KAR 31:170			600 KAR 1:070	523	10-9-84
Amended	222	10-9-84	Amended	1074	
401 KAR 32:020			600 KAR 2:010	1097	
Amended	226	10-9-84	600 KAR 2:020	1098	
401 KAR 32:050			600 KAR 2:030	1099	
Amended	227	10-9-84	600 KAR 2:040	909	12-11-84
401 KAR 32:100	326		601 KAR 1:015	332	9-11-84
Amended	568	10-9-84	601 KAR 1:130	334	
401 KAR 49:010			Withdrawn		9-5-84
Amended	56	9-11-84	601 KAR 9:011	335	9-11-84
401 KAR 49:020			601 KAR 9:013		
Amended	58	9-11-84	Amended	240	9-11-84
401 KAR 49:030			601 KAR 9:074		
Amended	61		Amended	241	
Amended	403	9-11-84	Amended	581	10-9-84
401 KAR 49:040	96	9-11-84	601 KAR 13:040	335	9-11-84
401 KAR 50:015			601 KAR 13:050	337	
Amended	776		Amended	584	
Amended	1045		Amended	699	10-9-84
401 KAR 50:016			601 KAR 35:010	338	
Amended	179	8-7-84	Withdrawn		9-5-84
401 KAR 57:011	885		601 KAR 35:020	339	
401 KAR 57:035	887		Amended	585	10-9-84
401 KAR 57:040	888		601 KAR 35:040	341	
401 KAR 59:036	889		Amended	587	10-9-84
401 KAR 59:049	890		601 KAR 35:050	343	
401 KAR 59:099	891		Amended	587	10-9-84
401 KAR 59:131	893		602 KAR 15:010		
401 KAR 59:136	894		Amended	244	9-11-84
401 KAR 59:141	895		Amended	1074	
401 KAR 59:146	896		602 KAR 15:020	344	
401 KAR 59:171	897		Amended	549	9-11-84
401 KAR 59:196	899		603 KAR 3:051		
401 KAR 59:201	900		Amended	450	10-9-84
401 KAR 59:212			603 KAR 4:035		
Amended	779		Amended	246	
401 KAR 59:213	901		Amended	588	10-9-84
401 KAR 59:216	902		603 KAR 5:030		
401 KAR 59:221	903		Amended	994	
401 KAR 59:275	905		603 KAR 5:130	345	
401 KAR 59:280	906		Withdrawn		8-27-84
401 KAR 59:300	907		603 KAR 5:140	670	
401 KAR 59:305	908		Withdrawn		11-14-84
401 KAR 61:165			603 KAR 5:150	1100	
Amended	574	10-1-84	603 KAR 5:160	1101	
401 KAR 100:020	667		603 KAR 7:020	346	9-11-84
Withdrawn		11-13-84	603 KAR 7:030	347	9-11-84
402 KAR 3:010	669	11-13-84	603 KAR 7:040	348	9-11-84
402 KAR 4:030			603 KAR 7:050	349	9-11-84
Amended	1073		603 KAR 7:060	349	9-11-84
405 KAR 7:020			603 KAR 7:070	350	9-11-84
Amended	228	10-9-84	603 KAR 8:010	1103	
405 KAR 7:030			605 KAR 1:150	524	10-9-84
Amended	235		701 KAR 5:060	1105	
Amended	576	10-9-84	702 KAR 1:005		
Amended	331		Amended	180	8-7-84
405 KAR 10:035	577	10-9-84	702 KAR 1:115	351	9-11-84
Amended			702 KAR 1:120	671	11-13-84
405 KAR 16:020			702 KAR 3:100		
Amended	237		Amended	249	9-11-84
Amended	578	10-9-84	702 KAR 3:190	352	
501 KAR 6:010			Amended	591	10-9-84
Amended	782	12-11-84	702 KAR 4:030		
600 KAR 1:030	517	10-9-84	Amended	249	
600 KAR 1:040	518		Withdrawn		10-5-84
Amended	726		703 KAR 1:090	671	
Amended	970	11-13-84	Withdrawn		12-5-84
600 KAR 1:050	520		703 KAR 2:010		
Amended	728		Amended	250	10-9-84
Amended	973	11-13-84	Recodified		10-9-84

ADMINISTRATIVE REGISTER - G7

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
703 KAR 2:050			704 KAR 20:240		
Amended	185	8-7-84	Amended	643	11-13-84
Recodified		10-5-84	704 KAR 20:245		
704 KAR 3:005			Amended	644	11-13-84
Amended	622		704 KAR 20:270		
Amended	977		Amended	645	11-13-84
Amended	1023	12-11-84	704 KAR 20:285		
704 KAR 3:035			Amended	259	9-11-84
Amended	251	9-11-84	704 KAR 20:290	356	9-11-84
704 KAR 3:304			704 KAR 20:300	357	9-11-84
Amended	252		704 KAR 20:305	672	12-11-84
Amended	591	10-9-84	705 KAR 2:030		
704 KAR 3:305			Amended	1026	12-11-84
Amended	1076		705 KAR 4:010		
704 KAR 3:320	353	10-9-84	Reprint	379	6-28-84
Amended	1077		Amended	646	11-13-84
704 KAR 3:325	355		705 KAR 4:205	358	9-11-84
Amended	591	10-9-84	705 KAR 7:070	359	
704 KAR 3:340	1105		Amended	593	10-9-84
704 KAR 3:345	1107		Recodified		11-26-84
704 KAR 6:011	1108		706 KAR 1:010		
704 KAR 7:050	1109		Amended	260	
704 KAR 7:060	1110		Amended	594	
704 KAR 10:022			Amended	700	10-9-84
Amended	253	10-9-84	707 KAR 1:051		
Amended	1078		Amended	186	8-7-84
704 KAR 20:005			707 KAR 1:055		
Amended	254	10-9-84	Amended	194	8-7-84
704 KAR 20:035			803 KAR 2:020		
Amended	624	11-13-84	Amended	64	8-7-84
704 KAR 20:045			804 KAR 1:100		
Amended	625	11-13-84	Amended	994	
704 KAR 20:050			804 KAR 1:110	97	8-7-84
Amended	627	11-13-84	804 KAR 1:120	910	
704 KAR 20:051			804 KAR 2:005		
Repealed	625	11-13-84	Amended	67	8-7-84
704 KAR 20:060			804 KAR 4:240	98	8-7-84
Amended	628	11-13-84	804 KAR 4:250	360	9-11-84
704 KAR 20:065			804 KAR 4:260	675	11-13-84
Amended	629	11-13-84	804 KAR 4:270	1007	
704 KAR 20:070			804 KAR 7:045		
Amended	255	9-11-84	Amended	68	8-7-84
Amended	630	11-13-84	804 KAR 9:050	361	9-11-84
704 KAR 20:076			805 KAR 1:110		
Amended	255	9-11-84	Amended	406	9-1-84
704 KAR 20:078			805 KAR 4:087		
Amended	256	9-11-84	Amended	788	12-11-84
704 KAR 20:080			805 KAR 4:110		
Amended	257	9-11-84	Amended	789	12-11-84
Amended	631	11-13-84	806 KAR 2:090		
704 KAR 20:085			Amended	648	11-13-84
Amended	632	11-13-84	806 KAR 2:095		
704 KAR 20:090			Amended	649	
Amended	258	10-9-84	Amended	981	12-11-84
Amended	633	11-13-84	806 KAR 2:096	675	11-13-84
704 KAR 20:120			806 KAR 2:097	676	
Amended	634	12-11-84	Amended	982	12-11-84
704 KAR 20:145			806 KAR 2:100	100	8-7-84
Amended	635	11-13-84	806 KAR 6:060	678	11-13-84
704 KAR 20:150			806 KAR 6:070	679	11-13-84
Amended	636	11-13-84	806 KAR 6:080	681	11-13-84
704 KAR 20:159			806 KAR 9:180	1111	
Amended	637	11-13-84	806 KAR 12:090	100	8-7-84
704 KAR 20:210			806 KAR 12:100	362	
Amended	637		Withdrawn		9-4-84
Amended	980	12-11-84	806 KAR 12:110	683	11-13-84
704 KAR 20:222			806 KAR 14:080		
Amended	638	11-13-84	Repealed	675	11-13-84
704 KAR 20:230			806 KAR 15:010		
Amended	640	11-13-84	Amended	261	
704 KAR 20:235			Amended	595	10-9-84
Amended	641	11-13-84			

ADMINISTRATIVE REGISTER - G8

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
806 KAR 15:030	364		902 KAR 10:110	107	9-11-84
Amended	600	10-9-84	902 KAR 12:060	108	8-7-84
806 KAR 38:020			902 KAR 12:070	108	8-7-84
Amended	1079		902 KAR 12:080		
806 KAR 39:070	685		Amended	279	9-11-84
Amended	975	11-13-84	Amended	655	11-13-84
806 KAR 43:010			Amended	808	12-11-84
Amended	650	11-13-84	Amended	995	
807 KAR 5:006			Amended	1082	
Amended	790		902 KAR 13:100	526	10-9-84
Amended	1048		902 KAR 17:010		
807 KAR 5:011			Amended	999	
Amended	69	8-7-84	902 KAR 17:020	1010	
808 KAR 3:050			902 KAR 20:006		
Amended	266	9-11-84	Amended	460	10-9-84
808 KAR 11:010			902 KAR 20:008		
Amended	168	6-28-84	Amended	465	
810 KAR 1:009			Amended	730	12-11-84
Amended	452	11-13-84	902 KAR 20:016		
811 KAR 1:070			Amended	467	10-9-84
Amended	798	12-11-84	902 KAR 20:026		
811 KAR 1:090			Amended	811	12-11-84
Amended	455	10-9-84	902 KAR 20:036		
811 KAR 1:105			Amended	819	12-11-84
Amended	457	10-9-84	902 KAR 20:048		
811 KAR 1:150			Amended	824	12-11-84
Amended	458	10-9-84	902 KAR 20:051		
Amended	800	12-11-84	Amended	832	12-11-84
811 KAR 1:195			902 KAR 20:066		
Amended	801	12-11-84	Amended	476	10-9-84
811 KAR 1:210	1008		902 KAR 20:132		
815 KAR 7:010			Amended	78	10-9-84
Amended	268	9-11-84	902 KAR 20:160		
815 KAR 7:020			Amended	478	10-9-84
Amended	276	9-11-84	902 KAR 20:190	109	
815 KAR 7:080	372	9-11-84	Amended	397	8-7-84
815 KAR 20:055	911		902 KAR 20:200	914	12-11-84
815 KAR 20:070			902 KAR 45:005		
Amended	73	8-7-84	Amended	482	10-9-84
815 KAR 20:120			902 KAR 45:130	112	8-7-84
Amended	74	8-7-84	902 KAR 45:140	112	8-7-84
Amended	802		902 KAR 45:150	526	
815 KAR 20:150			Amended	700	10-9-84
Amended	77	8-7-84	902 KAR 50:010		
815 KAR 45:050			Amended	79	8-7-84
Amended	805	12-11-84	902 KAR 50:020		
815 KAR 45:060	912	12-11-84	Repealed	115	8-7-84
900 KAR 1:011	102	8-7-84	902 KAR 50:060		
900 KAR 1:030	103	8-7-84	Repealed	81	8-7-84
900 KAR 1:040	103	8-7-84	902 KAR 50:070		
901 KAR 5:050			Amended	81	8-7-84
Amended	78	8-7-84	902 KAR 50:090	112	8-7-84
902 KAR 1:340			902 KAR 50:100	114	8-7-84
Reprint	381		902 KAR 50:110	115	8-7-84
Amended	608		903 KAR 5:130		
Recodified		11-9-84	Amended	838	12-11-84
902 KAR 4:030			903 KAR 6:040		
Amended	652	11-13-84	Amended	841	12-11-84
902 KAR 4:060	104	8-7-84	904 KAR 1:004		
902 KAR 4:070	104	8-7-84	Amended	280	9-11-84
902 KAR 4:080	105	8-7-84	Amended	842	12-11-84
902 KAR 4:090	105		904 KAR 1:009		
Amended	395	8-7-84	Amended	1088	
902 KAR 6:060	374	9-11-84	904 KAR 1:011		
902 KAR 8:020			Amended	846	12-11-84
Amended	653	11-13-84	904 KAR 1:013		
Amended	806	12-11-84	Amended	81	8-7-84
Amended	1080		Amended	999	
902 KAR 8:030	106	8-7-84	904 KAR 1:020		
Amended	654	11-13-84	Amended	658	11-13-84
902 KAR 10:080			904 KAR 1:022		
Amended	409	9-1-84	Amended	1089	

ADMINISTRATIVE REGISTER - G9

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
904 KAR 1:024			904 KAR 5:030		
Amended	1091		Amended	660	11-13-84
904 KAR 1:036			Recodified		11-14-84
Amended	284	9-11-84	904 KAR 5:040		
Amended	849	12-11-84	Repealed	529	10-9-84
904 KAR 1:039			904 KAR 5:041	529	10-9-84
Amended	659	11-13-84	904 KAR 5:070		
904 KAR 1:045			Amended	495	10-9-84
Amended	290	9-11-84	Recodified		10-9-84
Amended	1093		904 KAR 5:080		
904 KAR 1:055			Amended	495	10-9-84
Amended	291	9-11-84	Recodified		10-9-84
Amended	1094		904 KAR 5:090		
904 KAR 1:061			Amended	496	10-9-84
Amended	854	12-11-84	Recodified		10-9-84
904 KAR 1:110			904 KAR 5:100		
Amended	1001		Amended	196	7-10-84
904 KAR 1:180			Recodified		10-5-84
Amended	1002		904 KAR 5:130		
904 KAR 1:190			Amended	197	7-10-84
Amended	1003		Recodified		10-5-84
904 KAR 1:250			904 KAR 5:160		
Amended	292	9-11-84	Amended	497	
Amended	856	12-11-84	Amended	702	10-9-84
904 KAR 1:270	1012		Recodified		10-9-84
904 KAR 1:280	1013		904 KAR 5:200		
904 KAR 2:006			Amended	498	10-9-84
Amended	858	12-11-84	Recodified		10-9-84
904 KAR 2:015			904 KAR 5:210		
Amended	293	9-11-84	Repealed	530	10-9-84
904 KAR 2:016			904 KAR 5:211	530	10-9-84
Amended	82	8-7-84	904 KAR 5:260		
Amended	860	12-11-84	Amended	199	7-10-84
904 KAR 2:020			Amended	90	8-7-84
Amended	865	12-11-84	Amended	303	9-11-84
904 KAR 2:050			Amended	498	10-9-84
Amended	86	8-7-84	Amended	661	11-13-84
904 KAR 2:055			Amended	873	12-11-84
Amended	296	9-11-84	Recodified		12-11-84
904 KAR 2:110			904 KAR 5:270	375	9-11-84
Amended	1004		Recodified		10-5-84
904 KAR 2:115			904 KAR 6:010		
Repealed	957	10-19-84	Amended	500	10-9-84
904 KAR 2:116	916	12-11-84	Recodified		10-9-84
904 KAR 2:140			904 KAR 6:020		
Amended	298	9-11-84	Amended	304	9-11-84
Amended	867	12-11-84	Amended	501	10-9-84
904 KAR 2:150			Amended	663	11-13-84
Amended	299	9-11-84	Recodified		11-14-84
Amended	868	12-11-84	904 KAR 6:030		
904 KAR 2:160			Repealed	376	9-11-84
Amended	300	9-11-84	904 KAR 6:031	376	9-11-84
Recodified		10-5-84	904 KAR 6:040		
904 KAR 2:170			Amended	91	8-7-84
Amended	301	9-11-84	Amended	502	10-9-84
Amended	868	12-11-84	Recodified		10-9-84
904 KAR 2:180			904 KAR 6:050		
Amended	869	12-11-84	Amended	503	10-9-84
904 KAR 2:190			Amended	664	11-13-84
Amended	870	12-11-84	Recodified		11-14-84
904 KAR 2:200			905 KAR 1:080		
Amended	301	9-11-84	Repealed	305	9-11-84
Amended	871	12-11-84	905 KAR 1:170	115	8-7-84
904 KAR 3:020			905 KAR 1:180	116	8-7-84
Amended	87	8-7-84	Amended	305	9-11-84
904 KAR 3:035			Amended	504	10-9-84
Amended	89	8-7-84	905 KAR 5:010		
904 KAR 3:090			Amended	91	8-7-84
Amended	302	9-11-84	905 KAR 5:030	116	8-7-84
Amended	872	12-11-84	905 KAR 6:030	117	8-7-84
			905 KAR 7:020	117	8-7-84

ADMINISTRATIVE REGISTER - G10

Regulation	11 Ky.R. Page No.	Effective Date
905 KAR 7:030		
Amended	875	12-11-84
905 KAR 7:050	117	8-7-84
905 KAR 7:080	118	8-7-84
Amended	505	10-9-84
Amended	877	12-11-84
905 KAR 7:090	118	8-7-84
905 KAR 7:100	918	12-11-84
905 KAR 8:020	376	9-11-84
905 KAR 8:060	119	9-11-84
905 KAR 8:070	530	10-9-84
905 KAR 8:120	119	
Amended	414	9-11-84
906 KAR 1:010	119	8-7-84
906 KAR 1:020	120	8-7-84

ADMINISTRATIVE REGISTER - G11

KRS INDEX

KRS Section	Regulation	KRS Section	Regulation
12.040	600 KAR 2:040	150.010	301 KAR 1:055
12.080	600 KAR 2:040		301 KAR 1:075
Chapter 13A	1 KAR 1:010		301 KAR 2:044
13A.100	600 KAR 1:030		301 KAR 2:050
13A.130	401 KAR 30:070		301 KAR 2:140
	401 KAR 50:016		301 KAR 2:190
	402 KAR 3:010		301 KAR 2:200
16.505-16.652	105 KAR 1:010	150.015	301 KAR 2:044
	105 KAR 1:080		301 KAR 2:180
17.250	815 KAR 45:050		301 KAR 2:200
Chapter 18A	600 KAR 1:040	150.025	301 KAR 1:075
	600 KAR 1:050		301 KAR 1:140
	600 KAR 2:040		301 KAR 2:050
35.010	106 KAR 1:040		301 KAR 2:140
36.040	106 KAR 1:040		301 KAR 2:190
39.480	106 KAR 1:020		301 KAR 2:200
Chapter 42	109 KAR 9:010	150.110	301 KAR 1:140
	600 KAR 1:070	150.120	301 KAR 1:140
42.455	601 KAR 35:020	150.170	301 KAR 1:075
Chapter 44	200 KAR 8:030		301 KAR 1:140
44.050	600 KAR 1:070		301 KAR 2:050
44.060	600 KAR 1:070		301 KAR 2:140
45.750-45.800	1 KAR 3:005		301 KAR 2:200
Chapter 45A	200 KAR 5:308	150.175	301 KAR 1:075
45A.080	815 KAR 45:050		301 KAR 1:140
Chapter 61	815 KAR 45:060		301 KAR 2:140
61.510-61.702	105 KAR 1:010		301 KAR 2:200
61.510-61.705	105 KAR 1:080	150.176	301 KAR 2:050
61.874	401 KAR 49:010		301 KAR 2:140
78.510-78.852	105 KAR 1:010	150.180	301 KAR 2:190
	105 KAR 1:080	150.183	301 KAR 2:190
91A.080	806 KAR 2:090	150.190	301 KAR 1:140
	806 KAR 2:095	150.235	301 KAR 1:075
	806 KAR 2:096		301 KAR 2:200
	806 KAR 2:097	150.240	301 KAR 2:200
96A.010-96A.370	603 KAR 7:020	150.250	301 KAR 2:050
	603 KAR 7:030	150.280	301 KAR 2:190
	603 KAR 7:040	150.290	301 KAR 2:190
96A.090	603 KAR 7:020	150.300	301 KAR 2:044
	603 KAR 7:030	150.305	301 KAR 2:044
96A.095	603 KAR 7:020		301 KAR 2:140
	603 KAR 7:030		301 KAR 2:190
109.011	401 KAR 49:010		301 KAR 2:200
109.011-109.280	401 KAR 49:020	150.320	301 KAR 2:044
	401 KAR 49:030		301 KAR 2:140
	401 KAR 49:040		301 KAR 2:190
109.041	401 KAR 49:010	150.330	301 KAR 2:044
109.071	401 KAR 49:010		301 KAR 2:140
109.190	401 KAR 49:010		301 KAR 2:190
136.392	806 KAR 2:100		301 KAR 2:200
138.655-138.725	601 KAR 9:074	150.340	301 KAR 2:044
Chapter 141	115 KAR 2:020		301 KAR 2:200
146.410	400 KAR 2:030	150.360	301 KAR 1:075
	400 KAR 2:040		301 KAR 2:044
146.420	400 KAR 2:030		301 KAR 2:050
146.425	400 KAR 2:010		301 KAR 2:140
146.440	400 KAR 2:030		301 KAR 2:190
	400 KAR 2:040		301 KAR 2:200
146.460	400 KAR 2:010	150.365	301 KAR 2:140
146.465	400 KAR 2:050	150.390	301 KAR 2:140
146.470	400 KAR 2:030	150.440	301 KAR 1:075
146.480	400 KAR 2:050	150.445	301 KAR 1:075
146.490	400 KAR 2:010	150.450	301 KAR 1:140
	400 KAR 2:030	150.470	301 KAR 1:055
146.505	400 KAR 2:030		301 KAR 1:075
149.010	402 KAR 3:010	150.600	301 KAR 2:200
149.510	402 KAR 3:010	150.630	301 KAR 2:200

ADMINISTRATIVE REGISTER - G12

KRS Section	Regulation	KRS Section	Regulation
150.640	301 KAR 2:050	161.020 (cont'd)	704 KAR 20:159
151.125	401 KAR 4:200		704 KAR 20:210
151.140	401 KAR 4:200		704 KAR 20:222
151.150	401 KAR 4:200		704 KAR 20:230
151.160	401 KAR 4:200		704 KAR 20:235
151.182	401 KAR 4:200		704 KAR 20:240
151.184	401 KAR 4:200		704 KAR 20:245
151.200	401 KAR 4:200		704 KAR 20:270
151.230	401 KAR 4:200		704 KAR 20:285
151.240	401 KAR 4:200		704 KAR 20:290
151.250	401 KAR 4:200		704 KAR 20:300
151.260	401 KAR 4:200	161.025	704 KAR 20:005
151.280	401 KAR 4:200		704 KAR 20:045
151.293	401 KAR 4:200		704 KAR 20:050
151.295	401 KAR 4:200		704 KAR 20:060
151.297	401 KAR 4:200		704 KAR 20:065
151.310	401 KAR 4:200		704 KAR 20:070
156.010	706 KAR 1:010		704 KAR 20:076
156.031	705 KAR 4:010		704 KAR 20:078
	706 KAR 1:010		704 KAR 20:080
156.070	704 KAR 3:340		704 KAR 20:085
156.095	704 KAR 3:035		704 KAR 20:090
156.101	704 KAR 3:325		704 KAR 20:145
	704 KAR 3:345		704 KAR 20:150
156.160	704 KAR 3:304		704 KAR 20:159
	704 KAR 3:305		704 KAR 20:210
	704 KAR 3:340		704 KAR 20:222
	704 KAR 6:011		704 KAR 20:230
	704 KAR 10:022		704 KAR 20:235
156.400-156.476	702 KAR 1:005		704 KAR 20:240
156.495	704 KAR 7:060		704 KAR 20:245
157.100-157.190	702 KAR 1:005		704 KAR 20:270
157.200-157.290	707 KAR 1:051		704 KAR 20:285
157.270	707 KAR 1:055		704 KAR 20:290
157.320	702 KAR 7:050		704 KAR 20:300
157.360	702 KAR 3:190	161.030	704 KAR 20:005
	707 KAR 1:051		704 KAR 20:035
	707 KAR 1:055		704 KAR 20:045
157.390	702 KAR 3:100		704 KAR 20:050
	704 KAR 3:035		704 KAR 20:060
157.420	702 KAR 3:100		704 KAR 20:065
158.030	702 KAR 7:050		704 KAR 20:070
158.060	702 KAR 7:010		704 KAR 20:076
158.070	702 KAR 7:010		704 KAR 20:078
	704 KAR 3:035		704 KAR 20:080
158.140	705 KAR 4:205		704 KAR 20:085
158.148	704 KAR 7:050		704 KAR 20:090
158.240	702 KAR 7:050		704 KAR 20:120
158.650-158.740	701 KAR 5:060		704 KAR 20:145
	704 KAR 3:005		704 KAR 20:150
158.665	704 KAR 3:305		704 KAR 20:159
158.750	704 KAR 3:320		704 KAR 20:210
159.030	704 KAR 6:011		704 KAR 20:222
	707 KAR 1:055		704 KAR 20:230
159.035	702 KAR 7:050		704 KAR 20:235
160.180	702 KAR 1:115		704 KAR 20:240
	702 KAR 1:120		704 KAR 20:245
161.020	704 KAR 20:005		704 KAR 20:270
	704 KAR 20:045		704 KAR 20:285
	704 KAR 20:050		704 KAR 20:290
	704 KAR 20:060		704 KAR 20:300
	704 KAR 20:065		704 KAR 20:305
	704 KAR 20:070	161.046	704 KAR 20:300
	704 KAR 20:076	161.100	704 KAR 20:120
	704 KAR 20:078		704 KAR 20:210
	704 KAR 20:080	161.115	704 KAR 20:285
	704 KAR 20:085	161.124	704 KAR 20:035
	704 KAR 20:090	161.200	702 KAR 7:050
	704 KAR 20:120	163.020	705 KAR 4:010
	704 KAR 20:145	163.030	705 KAR 4:010
	704 KAR 20:150		705 KAR 7:070
			709 KAR 1:070

ADMINISTRATIVE REGISTER - G13

KRS Section	Regulation	KRS Section	Regulation
163.087	705 KAR 4:010	194.030 (cont'd)	902 KAR 16:010
163.140	706 KAR 1:010		903 KAR 6:010
163.160	706 KAR 1:010		903 KAR 6:020
164.740-164.764	11 KAR 5:020		903 KAR 6:040
	11 KAR 5:030		903 KAR 6:050
	11 KAR 5:060		904 KAR 1:250
	11 KAR 5:085		904 KAR 2:140
164.740	11 KAR 4:040		904 KAR 2:150
164.744	11 KAR 6:010		904 KAR 2:180
164.748	11 KAR 4:040		904 KAR 2:190
	11 KAR 6:010		904 KAR 2:200
164.753	11 KAR 6:010		904 KAR 3:090
164.780	11 KAR 5:020		905 KAR 1:180
	11 KAR 5:030		906 KAR 1:010
	11 KAR 5:060		906 KAR 1:020
	11 KAR 5:085	194.040	900 KAR 1:011
164.785	11 KAR 5:020	194.050	900 KAR 1:011
	11 KAR 5:030		902 KAR 4:060
	11 KAR 5:060		902 KAR 17:020
	11 KAR 5:085		904 KAR 2:110
164A.060	15 KAR 1:010		904 KAR 2:116
Chapter 174	600 KAR 2:040		904 KAR 3:020
174.080	600 KAR 1:040		904 KAR 3:035
	600 KAR 1:050	194.060	905 KAR 1:180
175.450	600 KAR 2:010	Chapter 196	501 KAR 6:010
	600 KAR 2:020	Chapter 197	501 KAR 6:010
	600 KAR 2:030	Chapter 198B	815 KAR 7:010
175.470	600 KAR 2:010		815 KAR 7:020
	600 KAR 2:020		815 KAR 7:080
	600 KAR 2:030	199.011-199.375	905 KAR 1:180
175.520	600 KAR 2:010	199.420-199.990	905 KAR 1:180
	600 KAR 2:020	200.080-200.120	905 KAR 1:180
	600 KAR 2:030	200.460-200.490	902 KAR 4:070
176.050	603 KAR 5:150	Chapter 202A	905 KAR 7:030
	603 KAR 7:060		905 KAR 7:080
	603 KAR 7:070		905 KAR 7:100
176.240	603 KAR 7:060	Chapter 205	904 KAR 2:140
	603 KAR 7:070	205.010	904 KAR 2:006
	603 KAR 5:150	205.200	902 KAR 16:010
177.106	603 KAR 4:035		904 KAR 2:006
177.830-177.890	603 KAR 3:051		904 KAR 2:016
177.905-177.950	601 KAR 35:020		904 KAR 2:150
177.972	601 KAR 35:020	205.201	905 KAR 8:060
177.976	601 KAR 35:020		905 KAR 8:070
177.977	601 KAR 35:020	205.201-205.204	905 KAR 1:180
177.979	601 KAR 35:040		905 KAR 8:020
	601 KAR 35:040	205.204	905 KAR 8:060
177.980	601 KAR 35:040		905 KAR 8:070
183.120	602 KAR 15:020	205.210	904 KAR 2:016
183.200-183.213	602 KAR 15:010	205.220	904 KAR 2:050
183.505	602 KAR 15:020		904 KAR 2:150
183.764	602 KAR 15:020	205.231	904 KAR 2:055
186.021	806 KAR 39:070		904 KAR 2:150
186.042	601 KAR 9:011	205.245	902 KAR 16:010
186.057	601 KAR 35:020		904 KAR 2:015
	601 KAR 35:050	205.455-205.465	905 KAR 1:180
186.173	601 KAR 9:013		905 KAR 8:020
186.560	601 KAR 13:050		905 KAR 8:120
186A.040	806 KAR 39:070	205.510-205.630	107 KAR 1:040
Chapter 189	200 KAR 8:030	205.520	902 KAR 16:010
189.231	603 KAR 5:160		904 KAR 1:004
189.270	601 KAR 1:015		904 KAR 1:009
189.337	603 KAR 5:160		904 KAR 1:011
189.338	603 KAR 5:030		904 KAR 1:013
189A.040	601 KAR 13:050		904 KAR 1:022
189A.070	601 KAR 13:050		904 KAR 1:024
190.010-190.080	605 KAR 1:150		904 KAR 1:036
Chapter 194	902 KAR 17:010		904 KAR 1:039
194.025	900 KAR 1:011		904 KAR 1:045
	902 KAR 17:020		904 KAR 1:055
194.030	900 KAR 1:011		904 KAR 1:061
	900 KAR 1:030		

ADMINISTRATIVE REGISTER - G14

KRS Section	Regulation	KRS Section	Regulation
205.520 (cont'd)	904 KAR 1:110	216B.990 (cont'd)	902 KAR 20:036
	904 KAR 1:180		902 KAR 20:048
	904 KAR 1:190		902 KAR 20:051
	904 KAR 1:250		902 KAR 20:066
	904 KAR 1:270		902 KAR 20:132
	904 KAR 1:280		902 KAR 20:160
	904 KAR 2:160		902 KAR 20:190
205.550	904 KAR 1:020		902 KAR 20:200
205.560	904 KAR 1:020	Chapter 217	201 KAR 2:135
	904 KAR 1:110	217.005-217.215	902 KAR 45:130
205.795	904 KAR 2:020		902 KAR 45:140
	904 KAR 2:170		902 KAR 50:090
Chapter 208	905 KAR 1:180	217.808-217.812	902 KAR 45:140
	905 KAR 7:030	217.992	902 KAR 45:130
	905 KAR 7:050		902 KAR 45:140
	905 KAR 7:080		902 KAR 50:090
208.400	905 KAR 7:020	217C.010-217C.990	902 KAR 50:010
208.410	905 KAR 7:020		902 KAR 50:070
	905 KAR 7:100		902 KAR 50:100
208.530	905 KAR 7:020		902 KAR 50:110
Chapter 209	905 KAR 1:180	219.011-219.081	902 KAR 45:005
209.030	905 KAR 5:010		902 KAR 45:140
	905 KAR 5:030	219.991	902 KAR 45:005
209.160	905 KAR 5:010	Chapter 223	401 KAR 6:040
Chapter 210	902 KAR 12:080	223.170	401 KAR 6:200
210.290	900 KAR 1:040	223.180	401 KAR 6:200
210.370-210.460	902 KAR 6:060	223.190	401 KAR 6:200
210.700-210.760	902 KAR 12:060	223.210	401 KAR 6:200
	902 KAR 12:070	Chapter 224	401 KAR 5:050
	905 KAR 7:090		401 KAR 5:055
211.170	902 KAR 8:030		401 KAR 5:060
211.180	902 KAR 4:060		401 KAR 5:065
	902 KAR 4:080		401 KAR 5:070
	902 KAR 45:150		401 KAR 50:015
211.350-211.380	902 KAR 10:080		401 KAR 59:212
	902 KAR 10:110		401 KAR 61:165
211.900	902 KAR 4:090	224.005	401 KAR 30:070
211.905	902 KAR 4:090		401 KAR 49:010
211.964	902 KAR 13:100	224.011	401 KAR 5:026
211.990	902 KAR 10:080		401 KAR 5:200
	902 KAR 10:110	224.020	401 KAR 5:026
211.994	902 KAR 4:090		401 KAR 5:200
Chapter 212	902 KAR 8:020	224.032	401 KAR 6:200
212.170	902 KAR 8:030	224.033	401 KAR 5:200
212.210	902 KAR 45:150		401 KAR 30:010
212.870	902 KAR 8:030		401 KAR 30:070
212.990	902 KAR 45:150		401 KAR 32:020
Chapter 213	901 KAR 5:050		401 KAR 32:100
213.190	905 KAR 1:170	224.034	401 KAR 5:200
214.155	902 KAR 4:030	224.037	401 KAR 5:200
215.520-215.600	902 KAR 20:200	224.060	401 KAR 5:026
Chapter 216A	201 KAR 6:010		401 KAR 5:200
Chapter 216B	40 KAR 3:010	224.071	401 KAR 32:020
	902 KAR 17:010		401 KAR 32:050
216B.010-216B.130	902 KAR 20:006	224.073	401 KAR 5:200
	902 KAR 20:008	224.075	401 KAR 5:200
	902 KAR 20:016	224.081	401 KAR 5:200
	902 KAR 20:026	224.083	401 KAR 5:200
	902 KAR 20:036	224.110	401 KAR 5:200
	902 KAR 20:048	224.135	401 KAR 5:200
	902 KAR 20:051	224.140	401 KAR 5:200
	902 KAR 20:066	224.144	401 KAR 5:200
	902 KAR 20:132	224.320	401 KAR 50:016
	902 KAR 20:160		401 KAR 57:011
	902 KAR 20:190		401 KAR 57:035
	902 KAR 20:200		401 KAR 57:040
216B.015	902 KAR 17:020		401 KAR 59:036
216B.990	902 KAR 20:006		401 KAR 59:049
	902 KAR 20:008		401 KAR 59:099
	902 KAR 20:016		401 KAR 59:131
	902 KAR 20:026		401 KAR 59:136

ADMINISTRATIVE REGISTER - G15

KRS Section	Regulation	KRS Section	Regulation
224.320 (cont'd)	401 KAR 59:141	224.887	401 KAR 49:010
	401 KAR 59:146		401 KAR 49:020
	401 KAR 59:171		401 KAR 49:030
	401 KAR 59:196		401 KAR 49:040
	401 KAR 59:201	224.888	401 KAR 49:010
	401 KAR 59:213		401 KAR 49:020
	401 KAR 59:216		401 KAR 49:030
	401 KAR 59:221		401 KAR 49:040
	401 KAR 59:275	224.994	401 KAR 30:070
	401 KAR 59:280		401 KAR 31:040
	401 KAR 59:300		401 KAR 31:160
224.330	401 KAR 59:305		401 KAR 31:170
	401 KAR 50:016		401 KAR 32:020
	401 KAR 57:011		401 KAR 32:050
	401 KAR 57:035		401 KAR 32:100
	401 KAR 57:040	230.210-230.360	810 KAR 1:009
	401 KAR 59:036	230.620	811 KAR 1:150
	401 KAR 59:049	230.630	811 KAR 1:070
	401 KAR 59:099		811 KAR 1:090
	401 KAR 59:131		811 KAR 1:105
	401 KAR 59:136		811 KAR 1:150
	401 KAR 59:141	230.640	811 KAR 1:070
	401 KAR 59:146		811 KAR 1:090
	401 KAR 59:171		811 KAR 1:105
	401 KAR 59:196		811 KAR 1:150
	401 KAR 59:201	230.650	811 KAR 1:150
	401 KAR 59:213	230.660	811 KAR 1:150
	401 KAR 59:216	230.700	811 KAR 1:070
	401 KAR 59:221		811 KAR 1:090
	401 KAR 59:275	230.710	811 KAR 1:070
	401 KAR 59:280	230.720	811 KAR 1:105
	401 KAR 59:300	230.730	811 KAR 1:105
224.340	401 KAR 59:305	230.750	811 KAR 1:195
	401 KAR 50:016	230.770	811 KAR 1:210
	401 KAR 57:011	235.040	402 KAR 4:030
	401 KAR 57:035	235.050	402 KAR 4:030
	401 KAR 57:040	235.150	402 KAR 4:030
	401 KAR 59:036	241.060	804 KAR 4:240
	401 KAR 59:049		804 KAR 9:050
	401 KAR 59:099	241.065	804 KAR 9:050
	401 KAR 59:131	241.075	804 KAR 9:050
	401 KAR 59:136	243.030	804 KAR 4:260
	401 KAR 59:141		804 KAR 7:045
	401 KAR 59:146		804 KAR 9:050
	401 KAR 59:171	243.040	804 KAR 4:260
	401 KAR 59:196	243.230	804 KAR 4:270
	401 KAR 59:201	243.260	804 KAR 4:250
	401 KAR 59:213	243.290	804 KAR 4:250
	401 KAR 59:216	244.050	804 KAR 1:120
	401 KAR 59:221	244.130	804 KAR 1:100
	401 KAR 59:275		804 KAR 1:120
	401 KAR 59:280		804 KAR 2:005
	401 KAR 59:300	244.240	804 KAR 1:110
	401 KAR 59:305		804 KAR 1:120
224.830-224.877	401 KAR 31:040	244.440	804 KAR 4:240
	401 KAR 31:160	244.500	804 KAR 1:120
	401 KAR 31:170	244.590	804 KAR 2:005
	401 KAR 32:020	247.232	302 KAR 16:010
	401 KAR 32:050		302 KAR 16:020
	401 KAR 32:100		302 KAR 16:030
224.830-224.889	401 KAR 30:070		302 KAR 16:040
224.835	401 KAR 30:010	247.234	302 KAR 16:010
	401 KAR 49:010		302 KAR 16:020
	401 KAR 49:020		302 KAR 16:030
	401 KAR 49:030		302 KAR 16:040
	401 KAR 49:040		302 KAR 16:050
224.842	401 KAR 49:010	247.236	302 KAR 16:020
	401 KAR 49:020		302 KAR 16:040
	401 KAR 49:030	250.366	12 KAR 4:080
224.846	401 KAR 30:010		12 KAR 4:090
224.855-224.889	401 KAR 30:010		12 KAR 4:100

ADMINISTRATIVE REGISTER - G16

KRS Section	Regulation	KRS Section	Regulation
250.366 (cont'd)	12 KAR 4:120	304.32-270	806 KAR 12:090
	12 KAR 4:130	304.38-110	806 KAR 9:180
	12 KAR 4:160		806 KAR 38:020
	12 KAR 4:170	304.38-200	806 KAR 12:090
250.391	12 KAR 4:130	304.39-070	806 KAR 12:090
250.396	12 KAR 4:130	304.39-080	806 KAR 39:070
	12 KAR 4:140	304.39-085	806 KAR 39:070
250.401	12 KAR 4:130	304.43-080	806 KAR 9:180
250.406	12 KAR 4:110		806 KAR 43:010
250.411	12 KAR 4:170	304.43-130	806 KAR 12:090
251.451	302 KAR 34:020	311.271	201 KAR 9:021
251.610	302 KAR 34:010	311.530-311.610	201 KAR 9:024
251.640	302 KAR 34:010	311.530-311.620	201 KAR 9:018
251.720	302 KAR 34:020		201 KAR 9:021
257.020	302 KAR 20:150		201 KAR 9:023
260.755-260.845	12 KAR 5:020		201 KAR 9:025
	12 KAR 5:030		201 KAR 9:031
	12 KAR 5:040		201 KAR 9:041
260.992	12 KAR 5:020		201 KAR 9:051
	12 KAR 5:030		201 KAR 9:061
	12 KAR 5:040		201 KAR 9:071
273.410-273.468	905 KAR 6:030		201 KAR 9:081
Chapter 278	807 KAR 5:006		201 KAR 9:082
	807 KAR 5:011	311.990	201 KAR 9:018
290.070	808 KAR 3:050		201 KAR 9:021
290.100	808 KAR 3:050		201 KAR 9:023
290.225	808 KAR 3:050		201 KAR 9:024
290.585	808 KAR 3:050		201 KAR 9:025
290.715	808 KAR 3:050		201 KAR 9:031
304.2-100	806 KAR 15:030		201 KAR 9:041
304.2-165	806 KAR 12:090		201 KAR 9:051
304.2-290	806 KAR 6:070		201 KAR 9:061
304.3-200	806 KAR 12:090		201 KAR 9:071
304.4-010	806 KAR 2:095		201 KAR 9:081
	806 KAR 2:097		201 KAR 9:082
304.6-070	806 KAR 6:080	314.011	201 KAR 20:210
304.6-130-304.6-180	806 KAR 6:070		201 KAR 20:220
304.6-140	806 KAR 6:060	314.073	201 KAR 20:210
304.6-145	806 KAR 6:060		201 KAR 20:220
304.6-180	806 KAR 6:060	Chapter 318	815 KAR 20:055
304.7-240	806 KAR 15:010		815 KAR 20:070
	806 KAR 15:030		815 KAR 20:120
304.9-105	806 KAR 9:180		815 KAR 20:150
304.9-160	806 KAR 9:180	322.360	815 KAR 45:050
	806 KAR 15:010	326.020	201 KAR 13:040
304.9-320	806 KAR 9:180		201 KAR 13:050
304.9-430	806 KAR 9:180	327.010	201 KAR 22:010
304.12-010	806 KAR 12:090	327.040	201 KAR 22:106
304.12-020	806 KAR 15:030		201 KAR 22:110
	806 KAR 39:070	327.050	201 KAR 22:020
304.12-030	806 KAR 15:030		201 KAR 22:031
304.12-080	806 KAR 2:096		201 KAR 22:040
304.12-085	806 KAR 12:110	327.060	201 KAR 22:031
304.12-090	806 KAR 2:096		201 KAR 22:070
304.12-220	806 KAR 12:090	327.070	201 KAR 22:052
304.12-230	806 KAR 12:090	327.080	201 KAR 22:031
304.13-063	601 KAR 13:040	327.090	201 KAR 22:052
304.14-120	806 KAR 15:030	335.010-335.150	201 KAR 23:030
304.15-115	806 KAR 15:030	Chapter 338	803 KAR 2:020
304.15-130	806 KAR 15:030	341.005-341.990	904 KAR 5:260
304.15-342	806 KAR 6:060	341.260	903 KAR 5:030
	806 KAR 12:110	341.275	903 KAR 5:200
304.15-390	806 KAR 15:010	341.282	903 KAR 5:200
	806 KAR 15:030	341.350	903 KAR 5:090
304.15-410	806 KAR 6:060		903 KAR 5:100
	806 KAR 6:070	341.360	903 KAR 5:090
304.17-275	806 KAR 6:080	341.370	903 KAR 5:070
304.20-070	806 KAR 12:090		903 KAR 5:080
304.20-150-304.20-180	806 KAR 12:090	341.380	903 KAR 5:100
304.29-590	806 KAR 12:090		903 KAR 5:270
304.32-180	806 KAR 9:180	341.440	903 KAR 5:130

ADMINISTRATIVE REGISTER - G17

KRS Section	Regulation
341.450	903 KAR 5:130
341.500	903 KAR 5:160
341.510	903 KAR 5:160
341.530	903 KAR 5:070
	903 KAR 5:080
346.130	107 KAR 1:040
346.140	107 KAR 1:040
Chapter 350	405 KAR 7:020
350.010	405 KAR 7:030
350.020	405 KAR 10:035
350.028	405 KAR 7:030
350.057	405 KAR 7:030
350.060	405 KAR 7:030
	405 KAR 10:035
	601 KAR 35:020
350.062	405 KAR 10:035
	405 KAR 16:020
350.064	405 KAR 10:035
350.068	405 KAR 10:035
350.093	405 KAR 16:020
350.100	405 KAR 16:020
350.110	405 KAR 16:020
350.151	405 KAR 7:030
	405 KAR 10:035
350.405	405 KAR 16:020
350.410	405 KAR 16:020
350.435	405 KAR 16:020
350.450	405 KAR 16:020
350.465	405 KAR 7:030
	405 KAR 10:035
	405 KAR 16:020
351.175	601 KAR 35:020
351.350	805 KAR 4:087
	805 KAR 4:110
351.990	805 KAR 4:087
	805 KAR 4:110
353.520	805 KAR 1:110
Chapter 424	400 KAR 2:050
Chapter 439	501 KAR 6:010
HB 38	115 KAR 2:020
HB 295, 1982	1 KAR 3:005
SB 20	601 KAR 13:050
SB 107	601 KAR 1:015
SB 238	603 KAR 7:050
c. 184, 1982 Acts	603 KAR 7:050
c. 344, 1984 Acts	600 KAR 1:070
c. 406, 1984 Acts	600 KAR 1:070
c. 418, 1984 Acts	603 KAR 8:010

SUBJECT INDEX

AERONAUTICS

Airport Development
Loans; 602 KAR 15:010
State aid; 602 KAR 15:020 and E

AGRICULTURAL EXPERIMENT STATION

Fertilizer; 12 KAR 4:080 to 12 KAR 4:170
Milk, cream; 12 KAR 5:020 to 12 KAR 5:040

AGRICULTURE

Amusement Rides
Licensing fee; 302 KAR 16:050 and E
Operation; 302 KAR 16:020 and E
Operating permit; 302 KAR 16:010 and E
Safety violations; 302 KAR 16:030 and E; 302 KAR 16:040 and E
Grain Insurance, Grain Dealers
Bonding requirements; 302 KAR 34:020 and E
Definitions; 302 KAR 34:010 and E
Livestock Sanitation
Communicable disease, restriction of transportation; 302 KAR 20:150 and E
Equine movement; 302 KAR 20:170 and E
Viral equine arteritis; 302 KAR 20:160 and E

AIRCRAFT, STATE

Use of, air transport; 106 KAR 1:040

AIR POLLUTION

Existing Source Standards
Aluminum reduction plants; 401 KAR 61:165
General Administrative Procedures
Reference documents; 401 KAR 50:015; 401 KAR 50:016 and E
Hazardous Pollutants
Asbestos standards; 401 KAR 57:011
Benzene leaks; 401 KAR 57:040
Equipment leaks; 401 KAR 57:035
New Source Standards
Beverage can coating; 401 KAR 59:216
Bulk gasoline terminals; 401 KAR 59:099
Diammonium phosphate plants; 401 KAR 59:141
Grain elevators; 401 KAR 59:275
Graphic arts facilities; rotogravure, flexography; 401 KAR 59:212
Large appliance coating; 401 KAR 59:201
Lime plants; 401 KAR 59:171
Metal coil coating; 401 KAR 59:221
Metal furniture coating; 401 KAR 59:196
Petroleum refinery equipment leaks; 401 KAR 59:049
Pressure sensitive tape, label surface coating; 401 KAR 59:300
Publication, rotogravure printing; 401 KAR 59:213
Sulfuric acid manufacturing plants; 401 KAR 59:036
Superphosphoric acid plants; 401 KAR 59:136
Synthetic fiber production facilities; 401 KAR 59:280
Synthetic organic chemical manufacturing industry equipment leaks; 401 KAR 59:305
Triple superphosphate plants; 401 KAR 59:146
Wet process phosphoric acid plants; 401 KAR 59:131

ALCOHOLIC BEVERAGE CONTROL

Advertising Distilled Spirits
General advertising practices; 804 KAR 1:100
Rebates, gift certificates; 804 KAR 1:120
Wine tastings; 804 KAR 1:110

ALCOHOLIC BEVERAGE CONTROL (cont'd)

Advertising Malt Beverages
Outside signs; 804 KAR 2:005
Licensing
Brand registration; 804 KAR 4:240; 804 KAR 4:250
Horse race track; 804 KAR 4:260
Substantial part/staple groceries; 804 KAR 4:270
Quotas
Retail drink liquor license; 804 KAR 9:050 and E
Retail Premises
Convention center; 804 KAR 7:045

AMUSEMENT RIDES

(See AGRICULTURE)

ATTORNEY GENERAL

Sexual offense victims, payment schedule; 40 KAR 3:010 and E

CAPITAL CONSTRUCTION

Committee, procedures, records; 1 KAR 3:005

CHILDREN'S SERVICES

(See HEALTH SERVICES)

CONSUMER PROTECTION

Recreational, retirement use land; disclosure of costs; 40 KAR 2:010

CORRECTIONS

Office of the Secretary
Policies and procedures; 501 KAR 6:010 and E

CRIME VICTIMS COMPENSATION BOARD

Medical Assistance Act, cooperation; 107 KAR 1:030

DEVELOPMENT FINANCE

Area development fund; 109 KAR 9:010 and E

DISASTER, EMERGENCY SERVICES

Fund; 106 KAR 1:020

EDUCATION

Exceptional
Exceptional, handicapped; programs for; 707 KAR 1:051; 707 KAR 1:055
Instruction
Elementary, secondary; 704 KAR Chapter 10
Instructional services; 704 KAR Chapter 3
Private, parochial schools; 704 KAR Chapter 6
Student services; 704 KAR Chapter 7
Teacher certification; 704 KAR Chapter 20
Local Services
Buildings, grounds; 702 KAR Chapter 4
School district finance; 702 KAR Chapter 3
Textbook program plan; 702 KAR 1:005
Office of the Superintendent
State testing program, code of ethics; 701 KAR 5:060
Pupil Personnel Services
Food service programs; 703 KAR Chapter 1
Terms, attendance, operation; 703 KAR Chapter 2
Vocational Education
Adult education; 705 KAR Chapter 7
Instructional programs; 705 KAR Chapter 4
Vocational Rehabilitation
Administration; 706 KAR Chapter 1

EDUCATION, LOCAL SERVICES

Buildings, Grounds

Contract; architect, engineer; 702 KAR 4:030
School District Finance
Class sizes; 702 KAR 3:190
Data; 702 KAR 3:100
Textbook program plan; 702 KAR 1:005

EMPLOYEES, STATE

Retirement

Contributions, interest rates; 105 KAR 1:010

EMPLOYMENT SERVICES

(Recodified to Title 903, 10-9-84)

Program Administration, Technical Services

Job training partnership act; 903 KAR 6:040;
904 KAR 6:040 and E
Occupational training, experience project; 904
KAR 6:030E
Repeal; 904 KAR 6:031
Veterans' benefits; 904 KAR 6:050 and E
Weatherization assistance, low income; 904 KAR
6:020 and E
Work incentive; 904 KAR 6:010 and E
Unemployment Insurance
Appeals; 903 KAR 5:130; 904 KAR 5:130E
Benefits, financing; 904 KAR 5:200
Employer contributions; 904 KAR 5:030
Fund payments; 904 KAR 5:160
Labor dispute; 904 KAR 5:090
Procedures; 904 KAR 5:260 and E
Protesting claim; 904 KAR 5:080
Repeal; 904 KAR 5:041; 904 KAR 5:211
Reporting requirements; 904 KAR 5:100E
Separation for cause; 904 KAR 5:070
Weekly benefit rates; 904 KAR 5:270 and E

ENERGY

Alternate energy development; 115 KAR 2:020

ENVIRONMENTAL PROTECTION

(Also see NATURAL RESOURCES)

Hazardous substance designation, spill
notification; 401 KAR 100:020

EXCEPTIONAL, HANDICAPPED

EDUCATION

Home, hospital instruction; 707 KAR 1:055
Programs; 707 KAR 1:051

FERTILIZER

Analysis, guaranteed; 12 KAR 4:090
Chlorine, maximum guarantee; 12 KAR 4:170
Investigational allowances; 12 KAR 4:130
Nutrients, guaranteed; 12 KAR 4:160
Nutrients, plant; 12 KAR 4:080
Nutrients, slowly released; 12 KAR 4:100
Penalties, monetary; 12 KAR 4:140
Percentage; 12 KAR 4:120
Sampling procedures; 12 KAR 4:150
Terms, definitions; 12 KAR 4:110

FINANCE, ADMINISTRATION

Accounts; allocation of driving under the
influence fees; 200 KAR 8:030 and E
KERS; 105 KAR 1:010; 105 KAR 1:080
Purchasing; 200 KAR 5:308

FINANCIAL INSTITUTIONS

Thrift Institutions

Conduct; 808 KAR 3:050

FIRE DEPARTMENTS, LOCAL

(See HOUSING, BUILDINGS AND CONSTRUCTION)

FISH, WILDLIFE

Fish

Angling; limits, seasons; 301 KAR 1:055
Commercial permit; 301 KAR 1:140 and E
Gigging, etc.; 301 KAR 1:075

Game

Falconry, raptor propagation; 301 KAR 2:190
Hunter education; 301 KAR 2:180
Land Between the Lakes hunting rules; 301 KAR
2:050
Migratory bird hunting seasons; 301 KAR 2:200
and E
Migratory wildlife; 301 KAR 2:044 and E
Wild turkey; spring gun, archery season; 301
KAR 2:140

FOOD STAMP PROGRAM

(See SOCIAL INSURANCE)

FORESTRY

Reference material; 402 KAR 3:010 and E

GENERAL GOVERNMENT

Occupations, professions; various; Title 201

GRAIN INSURERS, GRAIN DEALERS

(See AGRICULTURE)

HEALTH PLAN

(See State Health Plan)

HEALTH SERVICES

Certificate of Need and Licensure
Chemical dependency treatment; 902 KAR 20:160
Day health care; 902 KAR 20:066
Expenditure minimums; 902 KAR 20:132
Hospitals; 902 KAR 20:016
Intermediate care; 902 KAR 20:051
License, fees; 902 KAR 20:008
Long term care; 902 KAR 20:200
Nursing homes; 902 KAR 20:048
Personal care homes; 902 KAR 20:036
Process; 902 KAR 20:006 and E
Rehabilitation agency services; 902 KAR 20:190
Skilled nursing facilities; 902 KAR 20:026
Emergency Medical Technicians
Certificates, emergency extension; 902 KAR
13:100 and E
Food and Cosmetics
Evaluation, standardization procedures; 902
KAR 45:140 and E
Food service code; 902 KAR 45:005
Inspector's manual for state food and drug
officials; 902 KAR 45:130 and E
School sanitation; 902 KAR 45:150
Local Health Departments
Merit system; 902 KAR 8:030 and E
Policies, procedures; 902 KAR 8:020 and E
Maternal and Child Health
Crippled children; 902 KAR 4:070 and E
Disabled children; 902 KAR 4:080 and E
Family planning program; 902 KAR 4:050E
Inborn errors of metabolism, tests; 902 KAR
4:030
Lead poisoning prevention; 902 KAR 4:090
WIC; 902 KAR 4:060 and E
Mental Health-Mental Retardation Boards
Manuals; 902 KAR 6:060
Mentally Ill/Mentally Retarded
"Means test"; 902 KAR 12:070 and E
Per diem rate; 902 KAR 12:060 and E
Policies, procedures; 902 KAR 12:080 and E

ADMINISTRATIVE REGISTER - G20

HEALTH SERVICES (cont'd)

Milk and Milk Products
 Adulteration; 902 KAR 50:090 and E
 Definitions; 902 KAR 50:010
 Grade A standards; 902 KAR 50:110 and E
 Sanitation ratings; 902 KAR 50:100 and E
 Standards of identity; 902 KAR 50:070
 Sanitation
 Onsite sewage disposal; 902 KAR 10:080; 902 KAR 10:110
 State health plan; 902 KAR 1:340E; 902 KAR 17:010; 902 KAR 17:020

HIGHER EDUCATION ASSISTANCE AUTHORITY

Authority
 Educational institution participation requirements; 11 KAR 4:040
 Grant Programs
 Award determination; 11 KAR 5:060
 Definitions; 11 KAR 5:020
 Eligibility requirements; 11 KAR 5:030
 Pell grant application; 11 KAR 5:085
 Work Study Program
 Program; 11 KAR 6:010

HIGHER EDUCATION STUDENT LOAN CORPORATION

Guaranteed Student Loans
 Applicants' qualifications; 15 KAR 1:010

HIGHWAYS

Maintenance
 Recyclers; 603 KAR 3:051
 Mass Transportation
 Capital assistance program; 603 KAR 7:040 and E
 Carpool project; 603 KAR 7:070 and E
 Elderly, handicapped program; 603 KAR 7:030 and E
 Local rail service program; 603 KAR 7:050 and E
 Non-urbanized program; 603 KAR 7:020 and E
 Urbanized area planning; 603 KAR 7:060 and E
 Scholarship Program
 Program; 603 KAR 8:010
 Traffic
 Building material, hauling; 603 KAR 5:130 and E
 Encroachment permits; 603 KAR 15:150
 Hauling materials; 603 KAR 5:140
 Red signal, turn prohibitions; 603 KAR 5:030
 Traffic signal installations; 603 KAR 5:160

HOUSING, BUILDINGS AND CONSTRUCTION

Building Code
 Administration, enforcement; 815 KAR 7:010
 Building code; 815 KAR 7:020
 Sprinkler contractors; 815 KAR 7:080 and E
 Fire Departments, Local
 Survivor benefits; 815 KAR 45:060
 Training facility grants; 815 KAR 45:050
 Plumbing
 Fixtures; 815 KAR 20:070
 Inspection, tests; 815 KAR 20:150
 Water heater devices; 815 KAR 20:055
 Water supply; 815 KAR 20:120

HUMAN RESOURCES

Administrative Services
 Post-audit appeal; 900 KAR 1:011 and E
 Vital statistics; 901 KAR 5:050
 Employment Services (Recodified to Title 903, 10-9-84)
 Program administration, technical services; 904 KAR 6:010 to 904 KAR 6:050

HUMAN RESOURCES (cont'd)

Unemployment insurance; 904 KAR 5:030 to 904 KAR 5:270
 Health Services
 Certificate of need and licensure; 902 KAR 20:006 to 902 KAR 20:190
 Emergency medical technicians; 902 KAR 13:100 and E
 Food, cosmetics; 902 KAR 45:005 to 902 KAR 45:150
 Local health departments; 902 KAR 8:020 to 902 KAR 8:030
 Maternal, child health; 902 KAR 4:030 to 902 KAR 4:090
 Mental health-mental retardation boards; 902 KAR 6:060
 Mentally ill/mentally retarded; 902 KAR 12:060 to 902 KAR 12:080
 Milk, milk products; 902 KAR 50:010 to 902 KAR 50:110
 Sanitation; 902 KAR 10:080 to 902 KAR 10:110
 State health plan; 902 KAR 1:340E; 902 KAR 17:010; 902 KAR 17:020
 Inspector General
 Audits; 906 KAR 1:010 and E
 Licensing, regulation; 906 KAR 1:020 and E
 Ombudsman's Office
 Complaint review; 900 KAR 1:030 and E
 Guardianship responsibilities; 900 KAR 1:040 and E
 Social Insurance
 Food stamp program; 904 KAR 3:020 to 904 KAR 3:090
 Medical assistance; 904 KAR 1:004 to 904 KAR 1:280
 Public assistance; 904 KAR 2:006 to 904 KAR 2:200
 Social Services
 Aging services; 905 KAR 8:010 to 905 KAR 8:130
 Child welfare; 905 KAR 1:150 to 905 KAR 1:180
 Children's residential services; 905 KAR 7:010 to 905 KAR 7:100
 Community action agencies; 905 KAR 6:020 to 905 KAR 6:030
 Spouse abuse, crisis centers; 905 KAR 5:010 to 905 KAR 5:030

INSTRUCTION

Elementary, Secondary
 Standards; 704 KAR 10:022
 Instructional Services
 Annual in-service plan; 704 KAR 3:035
 Diploma program; 704 KAR 3:340
 Educational Improvement Act; 704 KAR 3:005
 Essential skills; 704 KAR 3:320
 Evaluation guidelines; 704 KAR 3:345
 High school graduation, minimum requirements; 704 KAR 3:305
 Industrial leadership act; 704 KAR 3:325
 Mathematics, reading; 704 KAR 3:320
 Program of studies; 704 KAR 3:304
 Private, Parochial Schools
 Repeal; 704 KAR 6:011
 Student Services
 Discipline guidelines; 704 KAR 7:050
 Missing children program; 704 KAR 7:060
 Teacher Certification
 Certification, adjunct instructor; 704 KAR 20:300
 Certification, elementary; 704 KAR 20:085; 704 KAR 20:090; 704 KAR 20:290
 Certification, information deleted; 704 KAR 20:285
 Certification, middle grades; 704 KAR 20:076; 704 KAR 20:078, 704 KAR 20:080

ADMINISTRATIVE REGISTER - G21

INSTRUCTION (cont'd)

Emergency certificate; 704 KAR 20:120
Exceptional children; 704 KAR 20:270
Hearing impaired; 704 KAR 20:230
Industrial education; 704 KAR 20:222
Internship program; 704 KAR 20:045
Learning disorders; 704 KAR 20:235
Media librarians; 704 KAR 20:145
Media specialists; 704 KAR 20:150
Music; 704 KAR 20:159
Out-of-state preparation; 704 KAR 20:035
Preparation program approval; 704 KAR 20:005
Provisional certification; 704 KAR 20:070; 704 KAR 20:080
Renewals; 704 KAR 20:060
Speech disorders; 704 KAR 20:240
Standard high school certificate; 704 KAR 20:065
Substitute teachers; 704 KAR 20:210
Testing prerequisites; 704 KAR 20:045
Time limit; 704 KAR 20:050
Trainable mentally handicapped; 704 KAR 20:245
Written examination prerequisites; 704 KAR 20:305

INSURANCE

Administration
Accounting, reporting requirements; 806 KAR 2:095
Fee; city, urban insurance tax; 806 KAR 2:090
KRS 136.392 surcharge; 806 KAR 2:100
Municipal premium taxes; 806 KAR 2:096; 806 KAR 2:097
Agents, Consultants, Solicitors, Adjusters
Valid period of examination results; 806 KAR 9:180
Assets, Liabilities
Reserve liabilities; 806 KAR 6:060
Reserve standards; 806 KAR 6:080
Valuation; 806 KAR 6:070
Contracts, Life, Annuity
Variable life; 806 KAR 15:030
Variable annuity; 806 KAR 15:010
Health Maintenance Organizations
Agent license; 806 KAR 38:020
Motor Vehicle Reparations (No-Fault)
Proof of insurance; 806 KAR 39:070
Prepaid Dental Plan Organizations
Agent license; 806 KAR 43:010
Trade Practices, Frauds
Mass merchandising; 806 KAR 12:100
Mortality tables; 806 KAR 12:110
Unfair claims; 806 KAR 12:090

LABOR

Occupational safety, health; 803 KAR 2:020

LAW

Consumer protection; 40 KAR 2:010

LEGISLATIVE RESEARCH COMMISSION

Capital construction; 1 KAR 3:005

LIVESTOCK SANITATION

(See AGRICULTURE)

LOCAL GOVERNMENT

Development Finance
Area development fund; 109 KAR 9:010 and E

LOCAL SERVICES (EDUCATION)

Board member qualifications; 702 KAR 1:120 and E

MEDICAL ASSISTANCE

(See SOCIAL INSURANCE)

MEDICAL LICENSURE

Application; 201 KAR 9:024
Advertising; 201 KAR 9:018
Disciplinary proceedings; 201 KAR 9:081
Endorsement; 201 KAR 9:023
Examinations; 201 KAR 9:031
Fee schedule; 201 KAR 9:041
KRS 311.571; 201 KAR 9:025
Licenses; 201 KAR 9:051
Licenses, limited; 201 KAR 9:061
Permits; 201 KAR 9:071
Proceedings, informal; 201 KAR 9:082
Schools; 201 KAR 9:021 and E

MILITARY AFFAIRS

Air transport, use of state aircraft; 106 KAR 1:040

MILK, CREAM

Sampling, weighing; 12 KAR 5:040
Testing; 12 KAR 5:020
Test samples; 12 KAR 5:030

MILITARY AFFAIRS

Disaster, emergency services; 106 KAR 1:020

MINES, MINERALS

Explosives, Blasting
Explosives; 805 KAR 4:087
Explosive charges, electric blasting; 805 KAR 4:110
Oil, Gas
Underground injection control; 805 KAR 1:110

MOTOR VEHICLE COMMISSION

Temporary sales location; 605 KAR 1:150

NATURAL RESOURCES,

ENVIRONMENTAL PROTECTION

Environmental Protection
Air pollution; 401 KAR Chapters 50 through 63
Waste management; 401 KAR Chapters 30 through 49; 401 KAR Chapter 100
Water; 401 KAR Chapters 4, 5, and 6
Natural Resources
Water Patrol; 402 KAR Chapter 4
Forestry; 402 KAR 3:010
Nature Preserves Commission; 400 KAR Chapter 2
Reclamation
Bonds, insurance; requirements for; 401 KAR 10:035
Oil shale; 405 KAR Chapter 30
Provisions, general; 405 KAR Chapter 7
Strip mining; 405 KAR Chapter 1
Surface mining, standards for; 405 KAR 16:020
Underground mining, surface effects; 405 KAR Chapter 3

NATURE PRESERVES COMMISSION

Dedication, registration; 400 KAR 2:030
Definitions; 400 KAR 2:010
Hearings, appeals; 400 KAR 2:050
Nature preserves; 400 KAR 2:040

NURSING

Continuing education; 201 KAR 20:210
Provider approval; 201 KAR 20:220

NURSING HOME ADMINISTRATORS

Licensure; 201 KAR 6:010

OCCUPATIONAL SAFETY, HEALTH

Workplace Standards
29 CFR Part 1910; 803 KAR 2:020

ADMINISTRATIVE REGISTER - G22

OCCUPATIONS, PROFESSIONS

Medical licensure; 201 KAR 9:018 to 201 KAR 9:083
Nursing; 201 KAR 20:210; 201 KAR 20:220
Nursing home administrators; 201 KAR 6:010
Ophthalmic dispensers; 201 KAR 13:040; 201 KAR 13:050
Pharmacy; 201 KAR 2:135
Physical therapy; 201 KAR 22:010 to 201 KAR 22:110

OPHTHALMIC DISPENSERS

Apprentices; 201 KAR 13:050
Licensing; application, examination, temporary permit; 201 KAR 13:040

PHARMACY

Drug products, bioequivalence problems; 201 KAR 2:135

PHYSICAL THERAPY

Assistants; certification, renewal; 201 KAR 22:106; 201 KAR 22:110
Foreign trained; 201 KAR 22:070
Licensing procedure; 201 KAR 22:031
Licensure, method of applying; 201 KAR 22:020
Objectives; 201 KAR 22:010
Refusal, revocation, etc.; 201 KAR 22:052
Renewing licenses; 201 KAR 22:040

PLUMBING

(See HOUSING, BUILDINGS AND CONSTRUCTION)

PUBLIC ASSISTANCE

(See SOCIAL INSURANCE)

PUBLIC PROTECTION, REGULATION

Alcoholic Beverage Control
Advertising distilled spirits, wine; 804 KAR 1:100 to 804 KAR 1:120
Advertising malt beverages; 804 KAR 2:005
Licensing; 804 KAR 4:240 to 804 KAR 4:270
Quotas; 804 KAR 9:050 and E
Retail premises; 804 KAR 7:045
Crime Victims Compensation Board; 107 KAR 1:030
Financial Institutions
Thrift institutions; 808 KAR 3:050
Housing, Buildings and Construction
Building code; 815 KAR Chapter 7
Plumbing; 815 KAR 20:055 to 815 KAR 20:150
Insurance
Administration; 806 KAR 2:090 to 806 KAR 2:100
Agents, consultants, solicitors, adjusters; 806 KAR 9:180
Assets, liabilities; 806 KAR 6:060 to 806 KAR 6:080
Contracts, life, annuity; 806 KAR 15:030; 806 KAR 15:010
Health maintenance organizations; 806 KAR 38:020
Motor vehicle reparations (no-fault); 806 KAR 39:070
Prepaid dental plan organizations; 806 KAR 43:010
Trade practices, frauds; 806 KAR 12:090; 806 KAR 12:100
Mines, Minerals
Explosives, blasting; 805 KAR 4:087 to 805 KAR 4:110
Oil, gas; 805 KAR 1:110
Public Service Commission; 807 KAR 5:006 to 807 KAR 5:011
Racing
Harness; 811 KAR Chapter 1
Thoroughbred; 810 KAR Chapter 1

PUBLIC SERVICE COMMISSION

General rules; 807 KAR 5:006 and E
Tariffs; 807 KAR 5:011

PUPIL PERSONNEL SERVICES

Food Service Programs
Competitive foods rule; 703 KAR 1:090
Terms, Attendance, Operation
Attendance; 703 KAR 2:050
Terms, months; 703 KAR 2:010

PURCHASING

Model Procurement Code
Small purchase procedures; 200 KAR 5:308

RACING

Harness
Licensing; 811 KAR 1:070
Officials; 811 KAR 1:150
Review, appeal; 811 KAR 1:105
Standardbred development fund; 811 KAR 1:210
Stimulants, drugs; 811 KAR 1:090
Track deductions from wagers; 811 KAR 1:195
Thoroughbred
Jockeys, apprentices; 810 KAR 1:009

RECLAMATION

Bonds, Insurance; Requirements
Cancellation of surety bonds; 405 KAR 10:035 and E
General Provisions
Applicability; 405 KAR 7:030
Definitions, abbreviations; 405 KAR 7:020
Reference material; 405 KAR 7:015E
Oil Shale
Reference material; 405 KAR 30:015E
Strip Mining
Reference material; 405 KAR 1:015E
Surface Mining, Standards
Contemporaneous reclamation; 405 KAR 16:020 and E
Underground Mining, Surface Effects
Reference material; 405 KAR 3:015E

RETIREMENT

KERS

Contributions, interest rates; 105 KAR 1:010
Payment options; 105 KAR 1:080 and E

SEXUAL OFFENSES, VICTIMS

Payment schedule; hospitals, physicians; 40 KAR 3:010 and E

SOCIAL INSURANCE

Food Stamp Program
Certification process; 904 KAR 3:035
Eligibility requirements; 904 KAR 3:020
Reference material; 904 KAR 3:090 and E
Medical Assistance
Alternative birth centers; 904 KAR 1:180; 904 KAR 1:190
Drug payment; 904 KAR 1:020 and E
Hearing service payment; 904 KAR 1:039
Hospital inpatient services; 904 KAR 1:013
Intermediate care, facility services; 904 KAR 1:024
Medical transportation payments; 904 KAR 1:061 and E
Medically needy; 904 KAR 1:004 and E
Mental health center; 904 KAR 1:045
Overpayments, recoupment; 904 KAR 1:110
Physicians' services; 904 KAR 1:009
Podiatry services; 904 KAR 1:270 and E; 904 KAR 1:280 and E

ADMINISTRATIVE REGISTER - G23

SOCIAL INSURANCE (cont'd)

Primary care; 904 KAR 1:055 and E
Reference material; 904 KAR 1:250 and E
Skilled nursing, facility services; 904 KAR 1:022
Skilled nursing, intermediate care; 904 KAR 1:036 and E
Technical eligibility requirements; 904 KAR 1:011 and E
Public Assistance
AFDC; need, amount; 904 KAR 2:016 and E
AFDC; reference material; 904 KAR 2:150E
AFDC; technical requirements; 904 KAR 2:006 and E
Aged, blind, disabled; 904 KAR 2:015
Child support program; 904 KAR 2:020 and E; 904 KAR 2:170E
Collections; 904 KAR 2:200 and E
Disability determinations; 904 KAR 2:160 and E
Hearings, appeals; 904 KAR 2:055
Home energy assistance; 904 KAR 2:115E; 904 KAR 2:116 and E; 904 KAR 2:180 and E
Payments; 904 KAR 2:050
Reference material; 904 KAR 2:150 to 904 KAR 2:190
Refugee assistance; 904 KAR 2:110; 904 KAR 2:190E
Supplementary policies; 904 KAR 2:140 and E

SOCIAL SERVICES

Aging Services

Allocation formula; 905 KAR 8:040E
Audit guide; 905 KAR 8:010E
Contractors; 905 KAR 8:050E
Financial management, nutrition guide; 905 KAR 8:080E
Homecare allocation formula; 905 KAR 8:130E
Homecare fee schedule; 905 KAR 8:110E
Homecare policy manual; 905 KAR 8:120 and E
Homecare standards; 905 KAR 8:020
Meal standards; 905 KAR 8:030E
Ombudsman policy, procedure; 905 KAR 8:070
State plan; 905 KAR 8:060 and E

Child Welfare

Baby Doe; 905 KAR 1:150E
Child abuse self-help; 905 KAR 1:170
Policy, procedures manual; 905 KAR 1:180 and E
Children's Residential Services
Continuum of care; 905 KAR 7:040E
Day treatment, procedural manual; 905 KAR 7:020 and E
Facilities capacity; 905 KAR 7:060E
Facilities manual, residential; 905 KAR 7:030 and E
Facilities manual, treatment; 905 KAR 7:080 and E
Group home, procedural manual; 905 KAR 7:050
Patient charges; 905 KAR 7:090
Policy manual; 905 KAR 7:010E
Resident liaison responsibilities; 905 KAR 7:100 and E
Staff training; 905 KAR 7:070E
Community Action Agencies
CSBG audit guide; 905 KAR 6:030 and E
CSBG program plan; 905 KAR 6:020E
Spouse Abuse, Crisis Centers
Matching formula, general funds; 905 KAR 5:030
Standards; 905 KAR 5:010

SOCIAL WORKERS

License; renewal, fee; 201 KAR 23:030

SOLAR ENERGY

Tax credit; 115 KAR 2:020

SOLID WASTE

(See WASTE MANAGEMENT)

STATE HEALTH PLAN

Plan; 902 KAR 17:010 and E
Process; 902 KAR 17:020

TOLL FACILITIES

Appearance requirements; 600 KAR 2:040
Assessment on turnpikes; 600 KAR 2:010
Credit cards; 600 KAR 2:030
Emergency vehicles, processions; 600 KAR 2:020

TOURISM

Fish, Wildlife
Fish; 301 KAR 1:075 to 301 KAR 1:140
Game; 301 KAR 2:044 to 301 KAR 2:200

TRANSPORTATION

Administration

Disciplinary actions; 600 KAR 1:040
Employee conduct, time; 600 KAR 1:050
Motor pool; 600 KAR 1:070
Public hearings; 600 KAR 1:030
Safety hard hats; 600 KAR 1:060

Aeronautics

Airport development; 602 KAR Chapter 15

Highways

Maintenance; 603 KAR Chapter 3
Mass transportation; 603 KAR Chapter 7
Scholarship program; 603 KAR Chapter 8
Traffic; 603 KAR Chapter 5

Motor Vehicle Commission; 605 KAR Chapter 1
Toll Facilities; 600 KAR Chapter 2

Vehicle Regulation

Coal transportation; 601 KAR Chapter 35
Driver improvement; 601 KAR Chapter 13
Motor carriers; 601 KAR Chapter 1
Motor vehicle tax; 601 KAR Chapter 9

UTILITIES

(See PUBLIC SERVICE COMMISSION)

VEHICLE REGULATION

Coal Transportation

Extended weights; 601 KAR 35:050 and E
Forms; 601 KAR 35:010 and E
General tax provisions; 601 KAR 35:040 and E
Plan, agreements; 601 KAR 35:020 and E

Driver Improvement

Accident prevention course; 601 KAR 13:040 and E
Alcohol education, treatment; 601 KAR 13:050 and E

Motor Carriers

Highway motor fuel surtax, exemptions; 601 KAR 1:030 and E
Special permits; 601 KAR 1:015 and E

Motor Vehicle Tax

Handicapped license plates; 601 KAR 9:011 and E
Highway use license, taxes, records; 601 KAR 9:074 and E
National Guard plates; 601 KAR 9:015 and E

VITAL STATISTICS

Certificates, fees; 901 KAR 5:050

VOCATIONAL EDUCATION

Adult Education

Completion certificate; 705 KAR 4:205
General standards; 705 KAR 4:010
Instructional Programs
Admission standards; 705 KAR 7:070

VOCATIONAL REHABILITATION

Administration

Three-year plan; 706 KAR 1:010

WASTE MANAGEMENT

General Administrative Procedures

Definitions; 401 KAR 30:010

Reference documents; 401 KAR 30:070 and E

Hazardous Waste, Generator Standards

Manifest; 401 KAR 32:020; 401 KAR 32:100

Special conditions; 401 KAR 32:050

Hazardous Waste, Identification, Listing

Basis for listing; 401 KAR 31:160

Constituents; 401 KAR 31:170

Lists; 401 KAR 31:040

Solid Waste Planning

Area plan, submission; 401 KAR 49:010

Assistance program; 401 KAR 49:040

Designation; 401 KAR 49:030

General provisions; 401 KAR 49:010

WATER

Sanitary Engineering

Plants, distribution systems, operator certification; 401 KAR 6:040

Reference material; 401 KAR 6:200 and E

Water Patrol

Registration decal; 402 KAR 4:030

Water Resources

Reference material; 401 KAR 4:200 and E

Water Quality

Application, KPDES; 401 KAR 5:060

Classification; 401 KAR 5:026

Definitions, general provisions, KPDES; 401 KAR 5:050

Permit conditions, KPDES; 401 KAR 5:065

Permit provisions, KPDES; 401 KAR 5:070

Reference material; 401 KAR 5:200 and E

Scope, applicability, KPDES; 401 KAR 5:055